

AMENDMENT
FOREST LEGACY NEEDS ASSESSMENT
MASSACHUSETTS

TACONIC RANGE FOREST LEGACY AREA



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PROPOSED AMENDMENT FOREST LEGACY NEEDS ASSESSMENT MASSACHUSETTS

I. Objectives of the Proposed Amendment

This proposal seeks to add a new Taconic Ridge Forest Legacy Area by amending the *Forest Legacy Needs Assessment – Massachusetts* (Archey, 1993) to include the Taconic Range, a roughly continuous forested mountain ridge extending along the Massachusetts – New York State border from Connecticut to Vermont. The designation would allow significant protection to a threatened high elevation ecosystem containing public water supply watersheds, rare, threatened and endangered species habitat, an interstate trail system, and exceptional scenic values. It should be noted that the law and guidelines for the Forest Legacy Program have changed since the initial program approval. These will constitute the basis for this amendment.

II. Background

The impetus for this amendment came from three sources. The first, was a proposal for a Taconic Ridge Forest Legacy area brought forward during the development of the Assessment of Need. This proposal was a finalist, but because of the extensive area this was seen as an expensive undertaking with respect to the limited Forest Legacy Program budget in 1993, and thus was deferred until now.

Second was the concern of the New York Department of Environmental Conservation (NY-DEC) in protecting their substantial investment of \$1,825,000, in 5,600 acres, on the western side of the range, contiguous with the state border. NY-DEC and the Massachusetts Department of Environmental Management (MA-DEM) also want to ensure access to the Taconic Crest Trail from the Massachusetts side of the ridge. Future joint Forest Legacy acquisitions are envisioned between the two states. It should also be noted that there is a Compact between the State of New York and the Commonwealth of Massachusetts "...for the protection of the Taconic Mountains and the Taconic Crest Trail..." This compact constitutes Appendix A. It should be noted too, that the southernmost part of the proposed Forest Legacy area would also abut Connecticut's Western Forest Legacy Area, again suggesting the possibility of a multi-state Forest Legacy application.

Third, was the interest of The Nature Conservancy in its designation of a 36,000 acres Mount Everett/Mount Riga landscape as the center of their globally recognized "Last Great Places." This is coincident with the southwestern portion of the proposed Taconic Ridge Forest Legacy Area. A fuller description of the project may be found in Appendix B.

Massachusetts completed an Assessment of Need for the Forest Legacy Program in the spring of 1993, with subsequent approval by the U.S. Secretary of Agriculture, Mike

Espy, on August 5, 1993. The Assessment of Need established criteria for the selection of Forest Legacy Areas. These are reiterated in Section III, below. These criteria will be the basis for the amended Assessment of Need and the inclusion of the Taconic Ridge Forest Legacy Area.

III. Eligibility Criteria

A. Federal Criteria (State and Private Forestry, 1996)

To be eligible for the Forest Legacy Program, the proposed area must meet the following national criterion: Be an environmentally important forest area that is threatened by conversion to non-forest uses.

Individual states are responsible for determining their definition of "threatened" and the definition of "environmentally important forest areas". States define "environmentally important forest areas" by refining the public values that make up an "environmentally important forest area".

Environmentally important forest areas shall contain one or more of the following important public values:

*Scenic resources;
Public recreation opportunities;
Riparian areas;
Fish and wildlife habitat;
Known threatened and endangered species;
Known cultural resources;
Other ecological values, and/or
Provide the opportunities for continuation of traditional forest uses*

B. Evaluation Factors

The nominator of a proposed Forest Legacy Area may describe the proposed Forest Legacy Area information utilizing these evaluation factors and provide a persuasive argument for the nominated area. This list provided as a guideline for nominations, and the essential items are repeated in checklist form in Appendix C.

1. Threat by conversion to non-forest uses

There are various kinds and degrees of threat to valuable forested areas: encroaching housing development, improved town roads, sewer line and power line extensions into undeveloped areas, and fragmentation of land ownership into smaller, less manageable parcels. In determining the threat to tracts, factors to consider include the following:

- a. Area is in danger of conversion to non-forest use within five years.
- b. Area may remain wooded, but will become further fragmented.
- c. Area is currently on the open market/listed by realtors.
- d. Loss of one tract would open the area to further development.
- e. Area is remote, but vulnerable; example: able to pass a percolation test, and frontage on town road.
- f. Area is not under Chapter 61 or other forest management program.
- g. Area may remain wooded but is danger of being over-harvested.

2. Contains one or more important values:

a. Scenic resources

The scenic aspects of a natural resource area may often be subjective, but there are several means of measuring the special qualities that make a given area stand out. The criteria set out in DEM's Scenic Landscape Inventory and the Massachusetts Scenic Roads Act provide a means of citing scenic qualities. In identifying scenic amenities of a Forest Legacy Area, these factors must be considered:

- Area is listed in DEM's 1985 Massachusetts Landscape Inventory as "Distinctive" or "Noteworthy" or meets the criteria for such designation.
- Area includes locally important panoramic views and/or exceptional short views.
- Area is situated along a designated scenic road.

b. Public recreation opportunities

Recreational use (especially public access) of a proposed Forest Legacy Area is an important component to be weighed. Documents such as the Massachusetts Statewide Comprehensive Recreation Plan (SCORP) will provide the proponent of a Forest Legacy Area needed information on the relative importance of the following factors:

- Water-based recreation is present – boating, swimming, fishing, rafting, canoeing.
- Trail based and/or day use recreational opportunities exist – hiking, picnicking, horseback riding, ice skating, cross-country skiing.
- Natural resource recreational activities are available – camping, hunting, nature touring, etc.
- Adjacent land is protected (note acreage).

c. Riparian areas

In an urbanizing state such as Massachusetts, one of the most important forest “products” may be water. Proper management of forest lands through institution of a Forest Legacy Area can increase the quality and quantity of water for the residents of the Commonwealth. Factors to be included in determining the value of riparian areas are:

- Area is situated on major river or stream recognized by Massachusetts DEM Scenic Rivers Inventories or Massachusetts DFWLE Adopt-a-Stream programs, or meets the criteria for inclusion in such inventory.
- Area has extensive (over 300') river or wetland shoreline.
- Area includes floodplain and natural valley storage components (according to USGS Atlas; FEMA flood hazard maps).
- Area contains a minimum 80' strip of native trees and shrubs as a natural buffer and sediment filter, per USFS guidelines outlined in *Riparian Forest Buffers* (Welsch, 1991).
- Area contributes to public or private drinking water supply (DEP Zone2).
- Area contains important wetlands, especially isolated wetlands and/or vernal pools.

d. Fish and wildlife habitat

Preventing the fragmentation of forest tracts into smaller units is crucial to maintaining viable populations of particular wildlife species. Factors to be considered:

- Area contains outstanding habitat, as evaluated per Massachusetts Division of Fisheries and Wildlife guidelines, and other ecologically recognized criteria for one or more species that include:
 - Forest interior nesting birds.
 - Significant populations of resident species.
 - Neo-tropical migrant species
 - Areas for resting and feeding of migratory species.
 - Forest-inhabiting mammals, reptiles, amphibians and invertebrates.
- Connective habitats, corridors, habitat linkages and areas that reduce biological isolation
- Known threatened and endangered species.

As urbanization and fragmentation of forestlands continue, the need to give special attention to threatened species of fish, wildlife and plants increases. Areas nominated for the Forest Legacy Program should be inventoried for such natural habitats that may contain imperiled species, considering the following: area contains plant or animal species on Massachusetts State list as Endangered, Threatened or of Special Concern (consult Massachusetts Natural Heritage Program, Massachusetts Division of Fisheries and Wildlife).

e. Known cultural resources

Obtain material evidence of the earlier human occupation in Massachusetts comprising a unique and irreplaceable resource, including historic features and vernacular landscape. Factors to consider:

- Area contains recorded archeological site; e.g. burial, midden, fire pit, or artifacts of Contact, Woodland or Archaic periods.
- Area includes historic features; e.g. charcoal kilns, church or village sites, battle sites, historic roads, paths or lookouts.

f. Productive soils

Of the 3.2 million acres of forests in Massachusetts, nearly 67% are classified as "prime", based on the productive soils upon which they grow. This classification system is useful in determining the importance of individual tracts within a Forest Legacy Area:

- Area contains soils of "Prime", "State" or "Local significance" for agriculture.
- Area contains soils of "Prime", "State" or "Local significance" for forestry.

g. Other ecological values

In addition to the characteristics already outlined, an area may exhibit additional or exceptional conditions that are important and add to the quality of the nominated Forest Legacy Area, such as:

- Area supports a mix of ecological communities (bio-diversity).
- Area includes ecological communities that are dwindling in Massachusetts, such as vernal pools, mature riparian floodplain forest, and pine barrens.
- Area contains old growth forest (natural area).
- Area provides watershed/water supply protection.

3. Provide opportunities for continuation of traditional forest uses

Maintaining traditional forest uses is important in a Forest Legacy Area in that it permits owners to remain on the land without requiring high-cost services (schools, street clearing and repair) by the town. Positive factors which reinforce this include:

- a. Area will remain available for sugarbush operation, cordwood or timber management under a Stewardship Plan.
- b. Area will continue to serve watershed and water filtration role.
- c. Area will continue to provide outdoor recreation opportunities.

IV. Designation Requirements for Forest Legacy Areas

It should be noted that a Forest Legacy Area nomination is a brief written narrative utilizing elements in as listed below. Other pertinent items may be included, but the points listed below must be included.

1. Designation of each geographic area on a map.
2. Description of each important forest area.
3. Summary of the important environmental values and how they will be protected and conserved in each Forest Legacy Area
4. List of public values that will be derived from establishing each Forest Legacy Area
5. Identification of the governmental entity or entities that may be assigned management responsibilities for the lands enrolled in the program.
6. Documentation of the analysis and the public involvement process.

V. Proposed Forest Legacy Area

A. Description

The Taconic Range, a highly visible ridge, rarely more than 15 miles wide, represents Massachusetts' most western highland, and extends over 60 miles along a boundary held in common with New York. It should also be noted that the proposed Forest Legacy Area abuts Connecticut's Western Forest Legacy Area to the south and the Green Mountain Forest proclamation boundary to the north. As the Berkshire Natural Resource Council, an advocate for Taconic Range protection, observes, *"It's been 500 million years since Europe drifted into the North American continent, driving the ocean floor upward for form the mountainous forebears that we know today as the Taconic Range. Since then, the Taconics have been scoured by glaciers, cleared and abandoned by farmers, cut over by loggers and explored by hikers and skiers. What they have not been, for the most part, is developed. This dramatic slice of upthrust shales, slates and schists provide great scenic relief along the Berkshires' western frontier. The range is the scrim behind which every sunset dresses. Some of the largest blocks of unfragmented forest in southern*

New England lie along its heights. The rich soils in these unbroken tracts support a thriving forest, which in turn supports abundant wildlife populations and, in some parts, unusual concentrations of rare and endangered species". (Appendix D)

The forest cover is substantial, with 82 percent (BCRP-GIS) of the land clothed in northern hardwoods, consisting of American beech, black and yellow birch, sugar and red maple, hemlock, and frequent representation of other species such as white pine, red oak, black cherry, and northern white ash.

Elevation ranges in the lowest valley bottoms from 600 feet to nearly 2,800 feet along the highest points on the ridgeline. Slopes are characteristically steep – 20 to 40 percent, with frequent outcroppings of ledge and bedrock, especially on the upper slopes and along the crest of the ridge.

Soils are tills: heterogeneous mixtures of sand, silt and clay, often underlain by hardpan and bedrock, close to the surface. Consequently, the watershed soils do not have much soil moisture storage capacity and after storms steep slopes are typically "flashy", underscoring the need to keep the landscape in forest cover.

Under the section *Preservation of Sensitive Environments and Open Space*, the regional plan (BRPC, 1999) summarizes strategies which are in harmony with this proposal:

- *Preserve and improve the ecological integrity of important natural environments and resources: surface water and watersheds, forested areas critical wildlife and plant habitats, wetlands, prime agricultural soils, flood prone areas, aquifers and recharge areas, steep slopes, and mountain tops*
- *Maintain and improve the overall water quality and quantity of the Berkshire's surface and ground waters.*
- *Enhance the protection and management of open space in order to provide wildlife habitat, protect natural resources, provide recreational opportunities, maintain scenic views, and maintain the character of the Berkshires.*

Public open space in the proposed Forest Legacy Area comprises 24,672 acres (BRPC-GIS, 2000) or 34 percent. This is broken down into: municipal – 811 acres; private non-profit, - 1,507 acres, federal – 322 acres, state – 20,413 acres, and private – 1,619 acres (Chapter 61, Agricultural Preservation Restriction and Conservation Restriction lands).

Entities which may hold lands or interests in lands acquired under the Forest Service Legacy Program are limited to units of municipal, state government or the U.S. Forest Service.

B. Proposed Forest Legacy Area Maps

Figure 1 (Appendix E) are maps and a boundary description of the proposed Forest Legacy Area, comprising 72,709 acres (BRPC-GIS, 2000), showing the proposed boundary, spot elevations and hydrographic features. Also depicted is the NY-DEC Taconic Ridge Forest Legacy Area as it presently exists. It should be noted that NY-DEC plans to expand its Forest Legacy Area southward and will be directly adjacent to the MA-DEM proposed Forest Legacy Area. Figure 2 (Appendix E) depicts forest cover and steep slopes. Protected lands and access (parking) are shown in Figure 3 (Appendix E). Additionally, public water supplies contained within the proposed Forest Legacy Area are depicted. Rare, threatened and endangered species habitat locations are not depicted in map form as Massachusetts Heritage, compilers of such data, do not want locations publicly revealed because of potential habitat damage from specimen collectors or the simply curious.

VI. Public Benefits Through The Protection of Environmental Values

A. Extraordinary public benefits are associated with the protection of the Taconic Range:

1. Scenic resources

Sixty miles of extremely visible high elevation land constitute a viewshed from both easterly and westerly vantage points. Whether from the standpoint of the wooded ambiance associated with the mountain views for year-round residents or as a tourist destination, the Taconic Range imparts a quality-of-life dimension that can only be termed extraordinary.

In a statewide sense, Susan Campbell (2000) observes: *Private forestlands cover roughly half of the Massachusetts landscape. In this sense they are valuable to society for enhancing the quality of life: they buffer the visual severity of development and urban sprawl; they muffle sounds of traffic and human activity. Trees are central to society's notion of scenic beauty and numerous studies show that people prefer landscapes with trees.*

2. Water resources

Perhaps one of the most valuable functions of forested land in Massachusetts is its ability to capture, store and release water gradually. Whether releasing water to public water supplies or to streams, wetlands and other open water bodies, the watershed protection function of intact forestland is one of the most worthy of safeguarding under the Forest Legacy Program. Again, Susan Campbell (2000) points out: *Given that two-thirds of the state is covered by forests, and of these, 78 percent are privately owned (2.4*

million acres), it is safe to say that these landowners' decisions to conserve or convert their forests will greatly influence the quality of the public drinking water supply.

3. Wildlife habitat

*Massachusetts is naturally diverse in plant and animal life, with a total of 2,040 native species, not including invertebrates (Barbour and others, 1998); roughly 90% of these use our extensive native forest ecosystems for part or all of their life cycle needs (Swain, personal communication), according to Susan Campbell (2000), and further, she notes, State-listed rare species number 424 and are found in a variety of natural communities (Barbour and others, 1998); roughly one quarter of these occur in forested settings (Swain, personal communication). Seventy-four percent of known rare species occurrences are on private lands (Barbour and others, 1998), though experts don't have the data to say how many of these are private forestlands. However, this estimate points to the important role private landowners must plan in protecting biological diversity in this state. In the majority of cases protection means not developing land...(Campbell, 2000) Massachusetts Natural Heritage and Endangered Species program recognizes this in *Our Natural Heritage: Citizens of Massachusetts are national leaders in the movement to conserve biodiversity. The conservation of this great variety of life is a priority for many, especially those who recognize the many values it offers the Commonwealth. Residents, conservation organizations and the Legislature have protected biodiversity through model legislation, land acquisition and management and innovative conservation tools.* (Barbour et al, 1998). The BRPC (1999) echoes this more locally: *The mountainous forested landscape is ideal habitat for many large mammals, including black bear, moose, bobcat, deer, fisher, coyote and beaver. Other inhabitants of the forested landscape include small mammals, reptiles, amphibians, game birds, songbirds and insects. The most important factoring maintaining viable populations of these animals is protection of their habitat. Maintaining large, unfragmented tracts of forestland is critical to the promotion and support of these species. Development in forest areas such as road and house construction, as well as indiscriminate timber cutting reduces the quantity and quality of forest habitat.**

High elevations, as relatively rare in the Commonwealth, have fauna that are indigenous and thus relatively rare, as well. That, coupled with inherent landscape fragility (thin soils and steep slopes), and subject to meteorological extremes, place these lands high in terms of vulnerability, as well as the biologically diverse plant and animal communities these lands support.

4. Forest products

The forested portion of the Forest Legacy Area is 60,137 acres (BRPC-GIS, 2000) or 83 percent of the proposed Forest Legacy Area.

*Forest production carries both public and private benefits. As the basis of the local wood economy, society benefits through stable jobs for its citizens, state and local tax revenues, and the ripple effect that occurs as earned dollars are spent within the economy. Private benefits accrue when forest products yield an income to the landowner, though often this revenue offsets property taxes and other carrying costs of undeveloped forestland. One might argue that the income is only a private benefit when it exceeds the carrying costs of the land (Campbell, 2000). One could also argue that all other forest values accrue more often, and to a greater extent, to the public. Forest management clearly presents economic opportunities, but often can enhance non-timber values of the forest as well. The regional plan (BRPC, 1999) recognizes this, *In western Massachusetts, forests contribute significantly to the economy and environmental quality. While many recognize the necessity of providing wood products for residential and commercial use, forest management is rarely seen as an important tool for providing recreation, water and wildlife opportunities.**

Parenthetically, there is currently a trend to reduce forest harvesting on public lands in northwest and western Canada because of concern for threatened and endangered species habitat. Given an undiminished global demand for wood products, the net effect is to shift to sources elsewhere: increasingly to the south and eastern United States, and to other countries. That will be felt more strongly on Massachusetts forests over time. Fortunately sustainable harvesting practices serve to keep land in working forests by providing income and a tax offset while compatibly protecting the forested landscape, as fostered by the Forest Legacy Program.

5. Recreation

Walking, hiking and skiing usually require trails for moving efficiently through the woods. Massachusetts offers thousands of miles, both on private and public lands. A conservative estimate from one regional study (National Park Service and Appalachian Mountain Club, 1991) reports that 2,522 miles of Massachusetts trails documented from their survey, 586 miles (23 percent) occur on private lands. Because of the make-up of our landscape, the majority of these trail-miles would cross a forested landscape. About half of the trail-miles crossing these privately owned lands are permanently protected and allow legal access by the public; the other half permit access through informal verbal, handshake or license agreements (Evans, personal communication) (Campbell, 2000)

B. Means to protect public benefits

1. Acquisition of full-fee is appropriate for tracts within the Taconic Ridge Forest Legacy Area, but acquisition of conservation easements is preferred.

2. In the case of conservation easements, acquire development rights on all tracts, especially the rights to subdivide, construct buildings and control utility right-of-way locations.
3. Timber rights retained by the landowner should be conditioned by using *Cutting Practices Act Regulations* for alleviating soil erosion. Timber harvesting is permitted, but shall be described in a Forest Cutting Plan approved by the appropriate Bureau of Forestry Service Forester.
4. Acquire access rights on all tracts. Exceptions might be made by the municipal watershed protection or rare, threatened or endangered species habitat protection may be situations where access would be restricted.
5. Abide by timber harvesting buffer requirements of the *Massachusetts River Protection Act*.
6. Restrict the development on existing or proposed mining; excavation of mineral, sand and gravel pits and for the sole use of the landowner. No commercial development will be allowed.
7. No disposal of waste, hazardous material or unregistered vehicles will be allowed on the properties. Likewise, any previously disposed waste, hazardous material or unregistered vehicles shall be removed prior to negotiations.
8. Prohibit the use of signs and billboards on all properties, except to state the name and address of the property owner and/or provide Forest Legacy information including information on boundaries. A "For Sale" sign would be allowed, as well.
9. Existing dams water impoundments or similar structures shall be allowed to remain consistent with the Massachusetts Office of Dam Safety. No new dams, impoundments or similar structures shall be allowed.
10. Prohibitions included are industrial, commercial activities, except forestry and limited mining (see f above).

VII. Using The Evaluation Criteria To Analyze Public Benefits

Clearly, the proposed Taconic Ridge Legacy Area meets eligibility criteria on page 4 and exemplifies the important public values, as listed. The evaluation factors, though, are more specific and better measure the detail in relative fashion.

A. Threat of conversion to non-forest uses

Forest lands in Berkshire County face increasing fragmentation of large parcels through residential development. Periodically, waves of development have parcelized the landscape and currently we are seeing another surge in development of second homes, with particular value being placed on scenic views available on high elevation lands. This impact will affect the scenic resource, the viability of traditional forest uses such as forestry and recreation, and public values such as large-scale wildlife habitat and public water supply protection. With conversion of land to non-forest uses parcelization will increasingly have induced effects: along with clearing for housing will come sewer lines in some instances, and septic fields in others. In all instances, roads, driveways and power lines will further convert the landscape with deleterious effects on wildlife species having the need for extensive, unbroken ranges. Access for recreation, especially hiking and hunting, will be adversely affected and some portion of the landscape will be off-limits to any public use, through posting. The Berkshire Regional Planning Commission in its regional plan (BRPC, 1999) states, *Mountain ranges, farm landscapes, lake shorelines, scenic views and corridors are highly desirable to developers. Towns have several options for scenic resource protection measures including purchasing easements or developmental rights, designation of scenic roads, and regulation through zoning and subdivision control regulations. The Scenic Mountains Act, unique to the Berkshires, is a law designed to protect prominent ridgelines and mountaintops from development that could degrade the scenic and environmental qualities* (Archey, 1974). See Appendix F for a description of its provision.

In summary, the threat to conversion to non-forest uses is substantial and the proposed area meets the requirement.

B. Exemplify important public values

The public values associated with the Taconic Range nomination have been described under section F in general terms and will be treated in more specific form below:

1. Scenic resources

- a. The Taconic Range is one of the most highly visible north-south oriented mountain ranges in Massachusetts, and mostly undeveloped with peaks that rise over 2,600 feet in elevation. (See figure 1, Appendix E).
- b. Development of potential, including towers, is substantial, but for the most part unrealized, posing great threat to its continued undeveloped state.

2. Public recreation resources

- a. The Taconic Crest Trail runs along the ridgeline for the northerly 35 miles of the ridge. Protecting both the scenic flanks and access to the trail is of paramount importance. A substantial portion of the New York State side of the Taconic Range is held in public ownership, and in the northerly section provides access to the trail from the west. The main stem of the Taconic Crest Trail, in the northern section of the Taconic Range, exceeds 35 miles, excluding connector and looping trails. Four entities own the majority of the trail including: The Hopkins Memorial Forest, owned by Williams College; New York Department of Environmental Management, including the Taconic Trails State Park, and the Pittsfield State Forest. Use regulations vary by ownership, but all encourage hiking, cross-country skiing and snowshoeing. The Taconic Crest Trail is also on private land and acquisition preference in Massachusetts will be to those parcels that allow increased access and viewshed protection to the Taconic Range and particularly the Taconic Crest Trail.
- b. The southerly reaches of the Taconic Range have public trails as well, located in Bash Bish Falls State Park, Mount Everett State Reservation (a portion of the Appalachian Trail) and Mount Washington State Forest. Often proposed, has been a connector between the Taconic Crest Trail and the trails in State Forest and Parks described above. As above, the Forest Legacy Program can afford the means by which access and viewshed protection can occur.

3. Riparian areas

- a. Public water supply protection is one of the greatest benefits of retaining land in forest. Water from the southern Taconic uplands feeds the Housatonic and Hudson River watersheds, providing clean water for communities in three states: Connecticut, Massachusetts and New York. In the middle and southern part of the Taconic

Range, the towns of Hancock, Egremont and Sheffield depend on forested watersheds for the protection of public ground and/or surface water supplies. Additionally, there are public water supplies outside of the proposed Forest Legacy Area that are dependent on the Taconic Range watershed.

- b. Over 257 miles (BRPC-GIS, 2000) of rivers and streams have their origins on the Taconic Range, draining both east and west. Of that total, 179 miles are perennial and 78 miles are intermittent. (See Figure 1, Appendix E). Even those that do not directly impact public water supply have profound effects, both quantitatively and qualitatively, on fisheries and the quality of recreationally used streams, wetlands and lakes.

4. Fish and wildlife habitat

- a. Though rare, threatened and endangered species habitat will not be located in map form (as discussed above), the Massachusetts Natural Heritage Atlas: 2000-2001 Edition (Szczepak et al, 1999), shows considerable habitat acreage, especially associated with riparian zones.
- b. Protection of intact large-tract habitats is especially necessary or wide-ranging species such as black bear – the kind of habitat in ample evidence on the Taconic Range.
- c. Neo-tropical migrant songbird habitat is especially associated with unbroken western Massachusetts forested habitats, again the sort of habitat that exists on the Taconic Range.

5. Cultural resources – In the southern Taconics, artifacts of North American hunters have been documented by amateur archeologists and historians but no official archeological inventory or assessment has been performed

6. Productive soils

- a. Most of the soils fall into the category of Prime II and III for the production of timber, with a lesser amount in Prime I. These estimates are taken from *Forest Productivity in Massachusetts* (MacConnell et al, 1991). This indicates a productivity range of 85 to 155 cubic feet per acre per year.
- b. As discussed under water resources, the forest's greatest value is protection of watershed soils, a function best served by keeping the

land in forest cover. This is particularly crucial on steep slopes. (See Figure 2, Appendix E). BCRP—GIS (2000) estimates 19,329 acres or 27 percent of the proposed Forest Legacy Area in steep slopes (slopes of 25% or more).

7. Other ecological values

- a. Beyond that which is covered in previous sections, the case may be made that the Forest Legacy Program promotes the linkages of public and private lands in a protected greenway with enormous benefits for large-scale habitat.
- b. It should be noted in the southern Taconic Range that Karner Brook and Schenob Brook have open space protection as afforded by their inclusion in *Areas of Critical Environmental Concern*.

VIII. Public Involvement Strategy

On November 22, 1999, an advisory committee (See Appendix G) to the Taconic Ridge Forest Legacy Area met to discuss both the rationale and the proposed boundaries to the Taconic Ridge Forest Legacy Area amendment. This committee was designed to be comprehensively representative of conservation acquisition interests along the Taconic Range. A subsequent meeting on January 12, 2000, established the boundaries to the proposed Taconic Ridge Forest Legacy Area.

On March 24, 2000, the committee met with Sharon McGregor, assistant to the Secretary of Environmental Affairs, Robert Durant, to discuss how this proposed Forest Legacy Area corresponded with the Secretary's state plan for acquisition priorities. The proposal was found to be in remarkable accordance with the Secretary's approach to prioritizing open space investments and he had recently approved the Taconic Range as a "focus area".

On April 5, 2000, a draft amendment to the *Forest Legacy Assessment of Need – Massachusetts* was submitted to the advisory committee for review and comment. Given the extensive public participation process that resulted in the original assessment document, it was felt that the comprehensive representation provided by the review committee, coupled with letters of support from units of local government and non-governmental organizations appropriate to the Forest Legacy Area, provides a solid base of public support. Following committee review and comment, a newspaper-advertised public meeting was scheduled on July 20 which resulted in letters of support (Appendix H.).

Issues raised during the amendment process and at the public meeting centered on the boundary of the Forest Legacy Area, the selection process, acquisition budget, the role of land trusts and municipalities, and interstate projects. Each of these is discussed more fully, below:

- A. Regarding the Legacy boundary, the committee (Appendix A) merged the requirements of Forest Legacy Program with practical insight into the natural values inherent in the Taconic Range. The extent and effect the Taconic Range had on issues such as scenic values, water supply protection, forestry, fisheries, wildlife and endangered species habitat. Consensus allowed the boundary to be drawn early in the process and was drawn in a way that can best considered that an array of values, and delineated the range as is presently drawn.
- B. The Forest Legacy Area selection process was described as a procedure by which local government, land trusts and local citizenry express concern for protection of a specific parcel in a designated Legacy Area through application to the Massachusetts Forest Legacy Committee. Assuming selection criteria are met, the committee then forwards the application to the U.S. Forest Service for funding.
- C. The acquisition budget was described as historically variable with increasing competition because of continuing additions of eligible states. Funding then becomes competitive because the value of all state's requests have historically exceeded program funding levels. Sorting criteria are then developed by the U.S. Forest Service to process the applications.
- D. The role of land trusts and municipalities was described as integral to the process and that each had a role in parcel selection, supporting documentation and local support. The land trusts have been the project sponsors while municipalities, or the Commonwealth of Massachusetts, under the provisions of the state grant option, may on a project-by-project basis, hold a lien to the land.
- E. Interstate projects: If the proposed Taconic Range Forest Legacy Area is approved, it would be possible to make joint state applications, because of abutting Forest Legacy Areas, with both Connecticut (Western Forest Legacy Area) and New York (Taconic Range Legacy Area).

On August 10 a preliminary document was submitted to the U.S. Forest Service, was reviewed, revised and was sent in final form to the U.S. Forest Service on September 7, 2000. Concurrent with that, copies were submitted to Members of Congress whose districts coincide with the Taconic Range in Massachusetts, including: Senator Edward M. Kennedy, Senator John F. Kerry and Congressman John W. Olver. A sample letter is included in Appendix H.

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- Notice of meeting
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 - Sample letter sent to Members of Congress (recipients included Senators Kennedy and Kerry, Representative Olver).

COMPACT

between

The State of New York

and

The Commonwealth of Massachusetts


WHEREAS, the Taconic Mountains form a natural border between Rensselaer County in the State of New York and Berkshire County in the Commonwealth of Massachusetts; and

WHEREAS, the Taconic Mountains are recognized to be an important bioregional resource that greatly contributes to the economic health, and recreational, scenic and ecological value of the State of New York and Commonwealth of Massachusetts; and

WHEREAS, the Taconic Crest Trail, located along the ridge of the Taconic Mountains, has for many decades provided high quality recreational opportunities for residents of the State of New York and the Commonwealth of Massachusetts; and

WHEREAS, protection of the Taconic Mountains and the Taconic Crest Trail will provide economic, recreational and scenic benefits to the State of New York and the Commonwealth of Massachusetts;

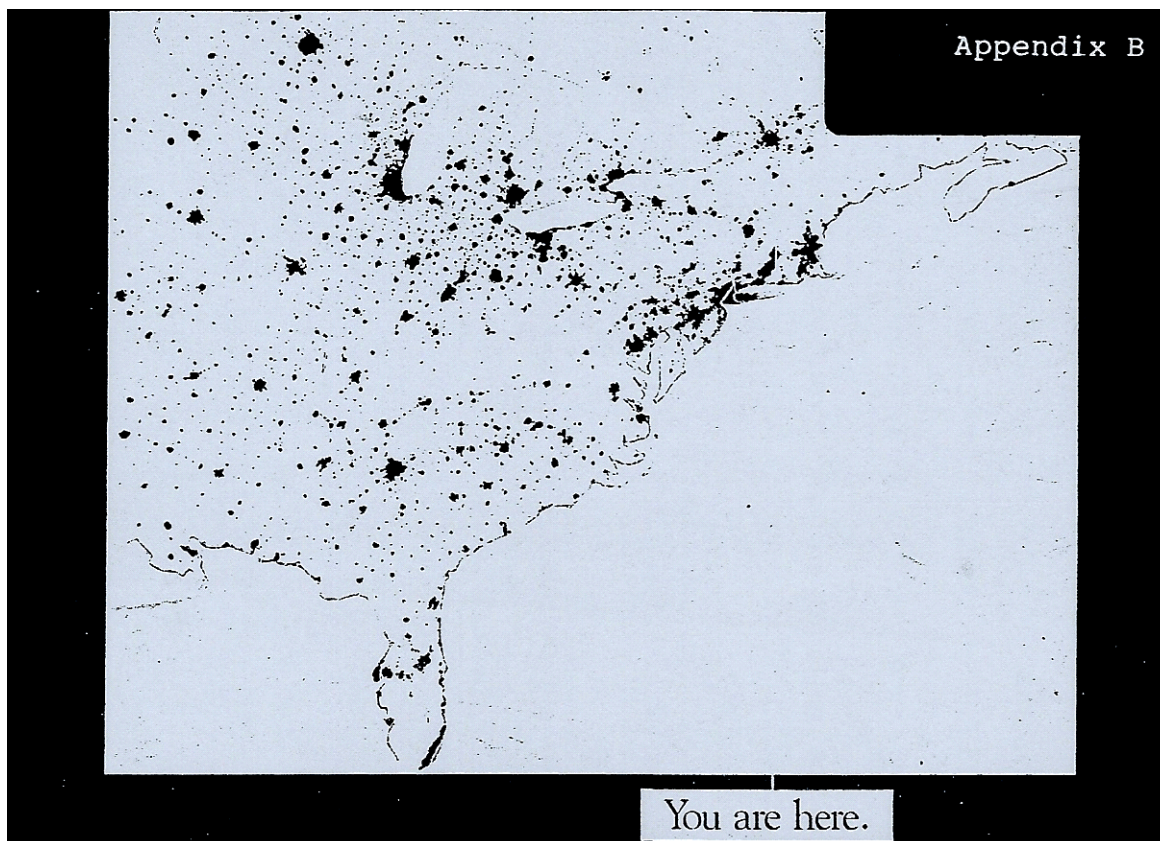
NOW, THEREFORE, on this twenty-fifth day of May in the year 1993, as the Commissioner of the Department of Environmental Conservation of the State of New York and the Secretary of the Executive Office of Environmental Affairs of the Commonwealth of Massachusetts, we do hereby declare our mutual commitment to the protection of the Taconic Mountains and the Taconic Crest Trail, for the benefits of our states, today and for future generations.



Thomas Jorling, Commissioner
State of New York
Department of Environmental
Conservation



Trudy Coxe, Secretary
Commonwealth of Massachusetts
Executive Office of
Environmental Affairs



YOU ARE HERE ...

... a place where it still gets dark at night.

....home to an abundance of rare plants and animals, great forests and rich farmlands, a place of beauty we can pass along to future generations.

... a refuge from the lights, noise and pace of the east coast megalopolis.

... designated on the The Nature Conservancy's LAST GREAT PLACES.



CONNECTICUT – EASTERN NEW YORK – MASSACHUSETTS
CHAPTERS



A THREE-STATE COLLABORATION

Along the borders of Connecticut, Massachusetts, and New York are a line of widely separated granite posts, set in the late 1800s to mark the state borders. Hikers sometimes see those few posts that happen to be located along the trails. Many others stand alone and forgotten in forests that have never recognized political boundaries.

Here, nearly centered on the junction of the three states, lies one of the most significant landscapes of the Northeastern United States. It stretches across the mountains of three states and laps down into the lowlands of the Housatonic and Hudson Valleys. At its center are 36,000 acres of relatively unfragmented forests that provide excellent examples of the forest types typical of the northeast. Within this wooded block are many rare species of plants and animals, as well as uncommon natural communities. At the feet of the forested mountains lie wetlands of global significance that depend on the mountainous areas for the clean water that sustains them. The lowlands surrounding these marshes are still relatively undeveloped. The entire area comprises approximately 16,000 acres.

The conservation opportunity afforded by this landscape is unparalleled. Much of the forested uplands are already protected, largely by state agencies. The Nature Conservancy has protected many of the wetlands, often in partnership with local land trust.

Emulating the forests surrounding the granite posts, The Nature Conservancy must disregard state boundaries to conserve this remarkable Last Great Place. By working to complete land protection in critical areas, defending both wetlands and uplands against invasive species and other biological threats, working with local communities to develop an economy that sustains these unique resources and provides opportunity for residents, and restoring both wetlands and key forest communities, the Conservancy can protect this remarkable landscape situated in the heart of the urban Northeast.

Above: View of the three-state conservation area from Schenob Brook. Photo credit: Cheryl Daigle.

VISION

Our vision for the Mt. Everett/Mt. Riga Landscape suggests that in 50 years our forest core will be intact, with at least 36,000 acres of relatively unfragmented forest. Approximately one third of this landscape will be inviolate and moving toward old growth. Forest interior nesting birds and 'wide-ranging predators – bear, bobcat, fisher and mountain lion – will find the landscape a prosperous place to live. Ecological connections between this 36,000 acre forest core and other forested patches will have been restored either through the creation of connecting forested corridors or by reducing the ecological contrast in the intervening altered landscape. Nut-bearing trees will be abundant and regenerating naturally, thanks to appropriate forest cutting practices and a relative absence of invasive species. Chestnuts resistant to the blight will be reclaiming their once prominent status in the forest. Other non-native forest pests (both insects and diseases) will be minor annoyances at most. Ownership of the forest core will remain relatively unfragmented, as will its physical state, with minimal additional resources. Forestry will occur in a sustainable and environmentally sensitive manner that maintains biological diversity and value-added jobs for a local forest products industry.

Throughout the Mt. Everett/Mt. Riga Landscape, local residents will share a love and understanding of the natural treasures that surround them. Watching migrating hawks will be as popular as Saturday morning cartoons for children, and people will comment to each other in the local markets about the timing of the salamander migrations or the turtles nesting in their yards. This love of the landscape will heal the divisions in our communities, uniting long-time residents, second homeowners and newcomers. Most local residents will contribute to the conservation efforts, either financially or with their time, and the preservation of the Mt. Everett/Mt. Riga Landscape will be a source of regional pride and identity.

STRATEGIES

- Accelerate land protection activities.
- Research disturbance history.
- Influence public and private forest management practices.
- Pursue compatible economic development.
- Conduct GIS analysis to focus protection and restoration efforts.
- Restore lowland forests.
- Conduct active fire management.
- Encourage good town planning.
- Control invasive species.
- Research ground water issues.
- Restore hydrologically altered wetlands.
- Develop anti-poaching program.
- Evaluate mining as threat.

CONSERVATION PRIORITIES

Our current planning holds that conserving the following six targets in the Mt. Everett/Mt. Riga area will ensure protection of the most critical elements at this location within the Lower New England ecoregion.

- Unfragmented forest communities.
- Calcareous seepage wetlands.
- Rare reptiles.
- Calcareous ledge communities.
- Ridgetop pitch pine/scrub oak communities.

SUMMARY OF THREATS

The primary threats to fulfilling this vision are:

- Weeds and insect pests.
- Residential development.
- Roads (both local and distant)
- Incompatible logging practices.
- Inappropriate recreational use.
- Mining.
- Fire management.
- Railroad rights of way.
- Tree diseases.
- Deer overbrowsing.
- Commercial development.
- Utilities, primarily communications towers and power line rights of way.

Massachusetts Forest Legacy Area Evaluation Checklist

Area: _____

Location: _____ Acres: _____

1. THREATENED BY CONVERSION TO NON-FOREST <i>a. Type of threat</i>	parcels			<i>entire Legacy area</i>
	#1	#2	#3	
danger of conversion in less than 5 years				
wooded, but may become further fragmented				
currently on the open market/listed by realtors				
security of 1+ sites now will stem further development.				
remote, but frontage on town road w/good perc. Rate				
not under Ch. 61 or other forest use provisions				
wooded, but danger of high-grading				
other				
SUBTOTAL				
<i>b. Factors affecting acquirability</i>				
owned by willing seller(s)				
owner(s) understands less-than-fee acquisitions				
25% match available (town/state/land trust)				
may be available at below FMV (bargain)				
SUBTOTAL				
2. CONTAINS ONE OR MORE PUBLIC VALUES <i>a. Scenic resource</i>				
in MA Landscape inventory as "distinctive" or "noteworthy"				
locally imp. panoramic/shore views				
along designated scenic road				
SUBTOTAL				
<i>b. Public recreation opportunities</i>				
water-based recr: boat/swim/fish/raft/canoe				
trail-based/day use recr: hike/picnic/horseback ride/skate/x-c ski				
nat. res.-based recr: camp/hunt/nature tour				
adjacent land protected (note acreage)				
SUBTOTAL				
<i>c. Riparian/hydrologic resources</i>				
on major river/stream in DEM inventory or DFWELE Adopt-a-Stream				

extensive (over 300') river shoreline				
flood plain/natural valley (groundwater storage/recharge)				
80' min. of trees/shrubs as natural buffer & sediment filter				
contributes to drinking water supply				
wetlands				
<u>SUBTOTAL</u>				
d. <i>Fish and wildlife habitat</i>				
outstanding habitat for one or more spp. that include:				
forest interior nesting birds				
signif. Populations of resident spp.				
neo-tropical migrant spp.				
resting/feeding areas for migratory spp.				
forest inhabiting mamms./repts./amphibs./inverts.				
connective habitats: corridors/linkages/reduces biological isolation				
<u>SUBTOTAL</u>				
e. <i>Known threatened and endangered species</i>	parcels			entire
	#1	#2	#3	Legacy area
plant/animal spp. On MA state list as E.T or Special Concern				
federally listed plant/animal spp.				
connective habitats: corridors/linkages/reduces biological isolation				
<u>SUBTOTAL</u>				
f. <i>Known cultural resources</i>				
recorded archeological site				
historic features				
<u>SUBTOTAL</u>				
g. <i>Productive soils (US-SCS Techn. Guide)</i>				
productive agricultural soils				
productive forest soils				
<u>SUBTOTAL</u>				
h. <i>Geology/physiography</i>				
unique features: Holyoke Range, etc.				
mineral				
<u>SUBTOTAL</u>				
i. <i>Other ecological values</i>				
provides a complex of ecological communities (bio-diversity)				
includes contracting area of ecological communities				
has old-growth forest				
provides immediate watershed/water supply protection				
<u>SUBTOTAL</u>				
3. PROVIDE FOR TRADITIONAL FOREST USES				
continued sugarbush/cordwd/timber mgmt. under Stewardship Plan				
continued watershed/water filtration role				
continued outdoor recr. Opport.				
<u>SUBTOTAL</u>				

4. REGIONAL VALUES				
linkeages for recr., especially connecting public lands				
public access to boating/swimming				
public/private drinking water supply protection				
traditional scenic qualities				
<u>SUBTOTAL</u>				
5. OTHER PROGRAM CONSIDERATIONS				
public visibility				
public support				
first year cost				
five year cost				
parcels #1 - #2 - #3				
lead organization's ability to deliver				
<u>GRAND TOTAL</u>				

RESOURCES REPORT

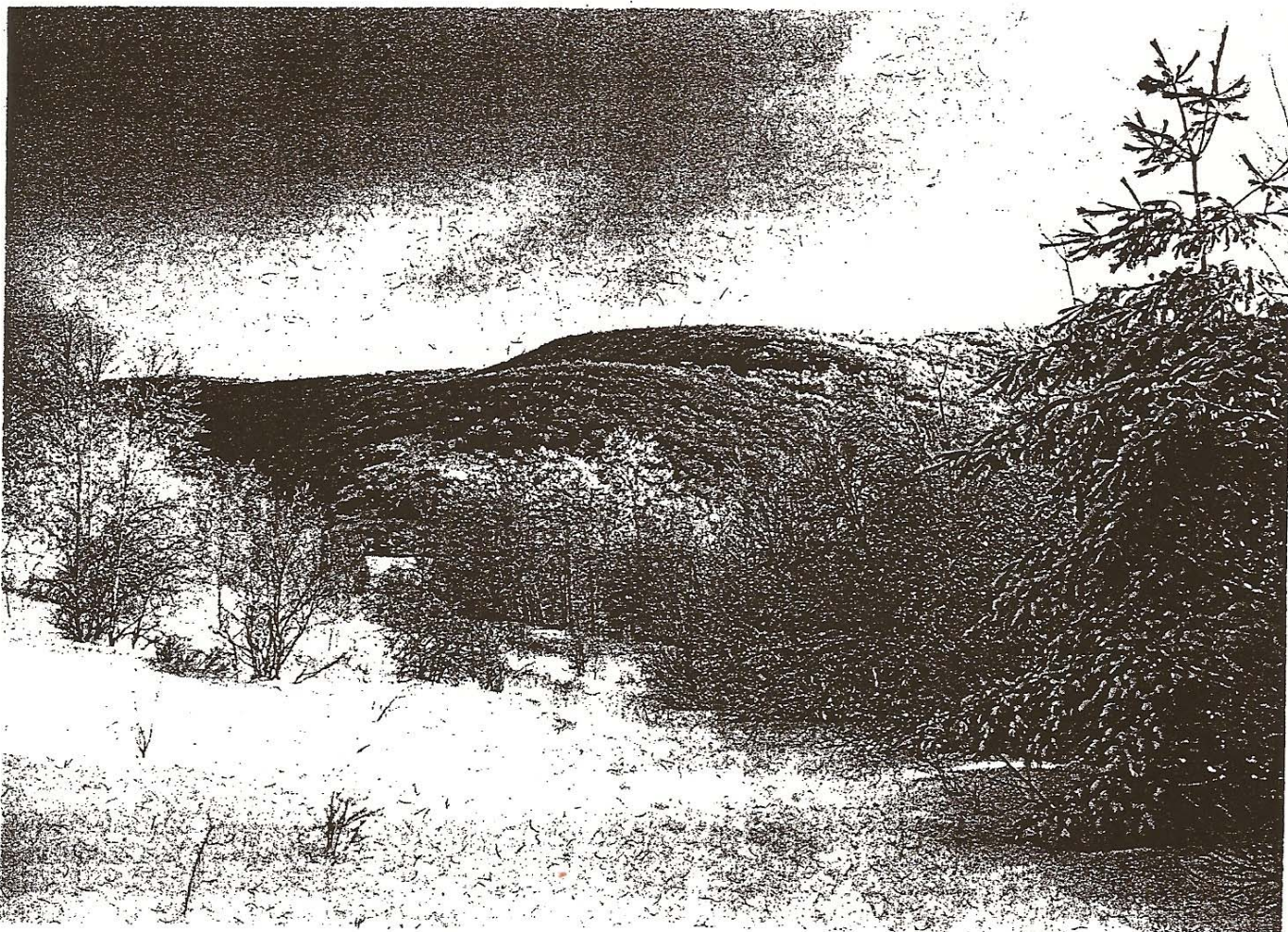
BERKSHIRE NATURAL RESOURCES COUNCIL

VOLUME 9

WINTER 1999

NO. 2

Legacy designation sought for the Taconics



Photograph by Arthur Evans

Council, partners seek federal funding for acquisition of easements along the range

It's been 500 million years since Europe drifted into the North American continent, driving the ocean floor upward to form the mountainous forebears that we know today as the Taconic Range.

Since then, the Taconics have been

scoured by glaciers, cleared and abandoned by farmers, cut over by loggers and explored by hikers and skiers. What they have not been, for the most part, is developed.

To this end, the Berkshire Natural Resources Council, together with a

number of public and private agencies in Massachusetts and New York, is advancing the designation of the Taconic Ridge as a federal Forest Legacy Area, a designation that will

(continued on page 2)

BNRC, partners seek federal funding for Taconic Mtns.

(continued from page 1)

help ensure the permanent preservation of the ridge and its many outstanding features.

Along with the Resources Council, the initiative is being supported in Massachusetts by the Williamstown, Richmond, Sheffield and Egremont land trusts, The Nature Conservancy, The Trust for Appalachian Trail land, Massachusetts Audubon Society, The Trustees of Reservations, the Department of Environmental Management (DEM) and several residents of Mount Washington.

Apart from their natural assets, the Taconics serve the convenient function of marking New York State's eastern border with northern Connecticut, all of Massachusetts and north into Vermont. During this extended run, the range is rarely more than 15 miles wide.

This dramatic slice of upthrust shales, slates and schists provides great scenic relief along the Berkshires' western frontier. The largest blocks of unfragmented forest in southern New England lie along its heights. The rich soils in these unbroken tracts support a thriving forest, which in turn supports abundant wildlife populations and, in some parts, unusual concentrations of rare and endangered species.

"The map may end at the state line, but ecosystems recognize no boundaries," says Warren Archey, Massachusetts' chief forester.

Though conservationists have been writing the history of Taconic land conservation in Massachusetts for the better part of a century, stewardship goals have seen considerable change. Where conservationists today deploy terms such as "sustainability coefficients" and "biomatrix," the hot word in 1954 was "Skyway."

The idea of a Skyway or "Skyline Drive" — a scenic highway along the Taconic ridge from Route 20 in Hancock to Route 2 in Williamstown — received a glowing write-up in the

October 1954 "American Forests" magazine.

Promoting the idea were the Berkshire Hills Conference and the state Department of Natural Resources (today's DEM). The latter buttressed its support by promising that the highway could be built by residents of the prison camp it hoped to establish in one of the Berkshire state forests.

The Taconic Skyway never got off the drawing board. A similar fate awaited an ambitious 1960 proposal made by planners in New York to establish a 40,000-acre Tri-State Park



Photograph by Arthur Evans

centered around Bash Bish Falls at the juncture of the New York, Connecticut and Massachusetts state boundaries.

Notwithstanding the failure of that initiative, however, a great deal has been accomplished along the Taconics. In New York, the state Department of Environmental Conservation, often in partnership with the private Trust for Public Land, has acquired some 8,000 acres along the western Taconics.

In Massachusetts, the state maintains three protected state forests (Mount Washington, Pittsfield and Taconic) along the ridge, and has acquired over 2,000 acres protecting the range and its chief recreational feature, the Taconic Crest Trail, in Williamstown and Hancock.

The Williamstown Rural Lands Foundation has been a catalyst for protection of the Crest Trail corridor, assisting in land acquisition and

convening the multi-party interstate Taconic Trails Council to deal with issues of preservation and management.

The Taconic Trails Council achieved a landmark of sorts in 1993, when New York and Massachusetts signed an interstate compact pledging to make protection of the Taconics a priority.

With the proposal to designate the entire eastern slope of the Taconics as a Forest Legacy Area, the Resources Council and its partners hope to leverage additional funds to protect the mountain range.

Along with anticipated federal dollars, New York State, which designated a Forest Legacy Area in the northern Taconics years ago, has pledged to spend \$200,000 protecting lands in Massachusetts if the Bay State will match the investment dollar for dollar. Massachusetts advocates are encouraging New York State to expand its existing Legacy area south to the Connecticut state border.

As for Forest Legacy, it can best be described as a program finally coming into its own despite the best efforts of Congress to starve it to death.

Created in 1990, the program purchases conservation easements on working forestland, with the feds putting in 75 percent of the cost, and local governments or non-profits providing 25 percent.

Despite the fact that funding has hovered between just \$2 million and \$7 million annually, the program has protected nearly 65,000 acres in New York and New England. The program's accomplishments should leap exponentially this year, with funding set for \$30 million.

The program's achievements include three projects protecting over 400 acres on Yokun Ridge in the Berkshires, part of the six easements on 800 acres that have been purchased across Massachusetts' five Legacy areas.

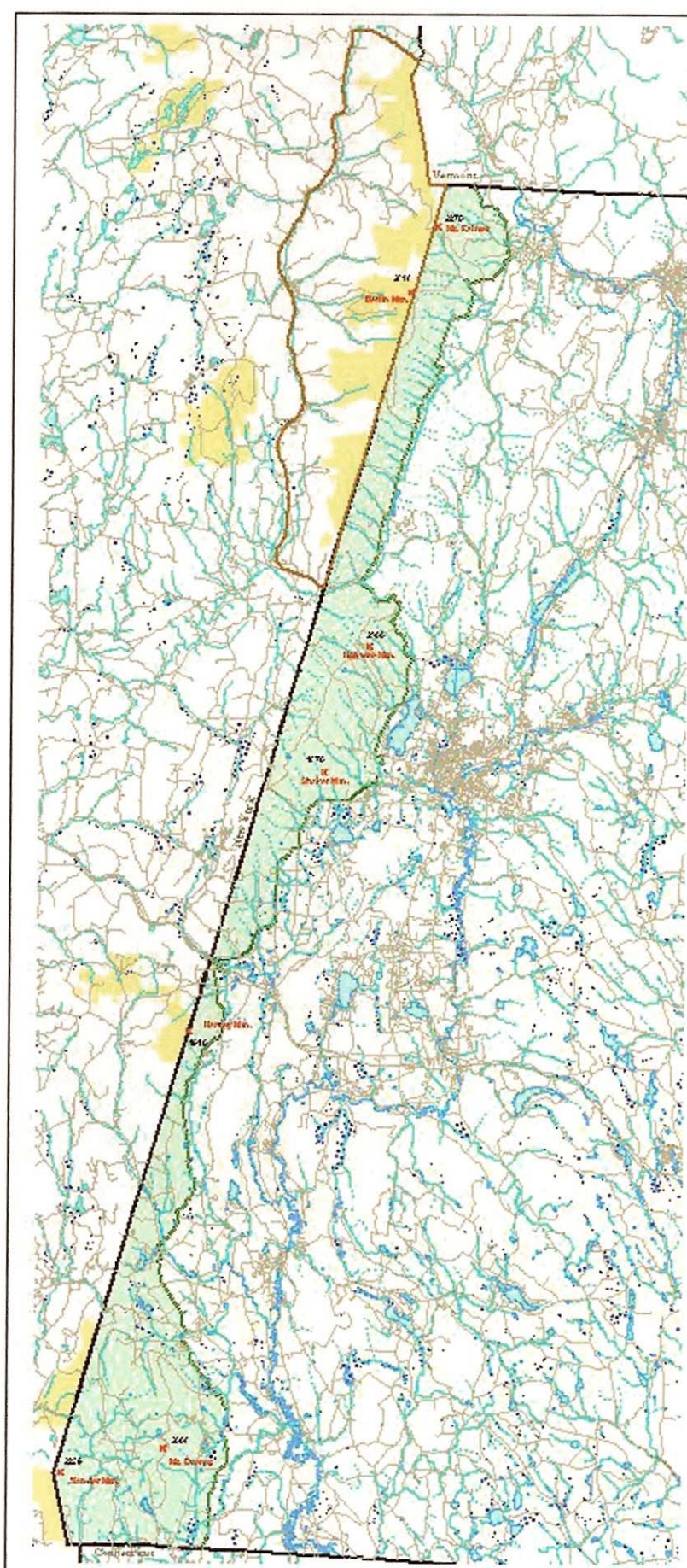









FIGURE 1

PROPOSED
FOREST LEGACY AREA

-  MA DEM - Proposed Forest Legacy Area
 NY DEC - Taconic Ridge Legacy Area
 Protected Lands within New York State bordering Proposed Forest Legacy Area
 Wetlands
 Lakes/Ponds
 Perennial Streams
 Intermittent Streams
 Roadways & Trails



PROPOSED AMENDMENT
FOREST LEGACY NEEDS ASSESSMENT
Massachusetts

*Massachusetts
Bureau of Forestry*

This map was created for the Massachusetts Forest Legacy Committee by the Berkshire Regional Planning Commission.

MA DEM Proposed Forest Legacy Area data layer created by BRPC. New York State data layers provided by the Bureau of Real Property, Division of Lands and Forests, New York State Department of Environmental Conservation. All other data were provided by MassGIS.
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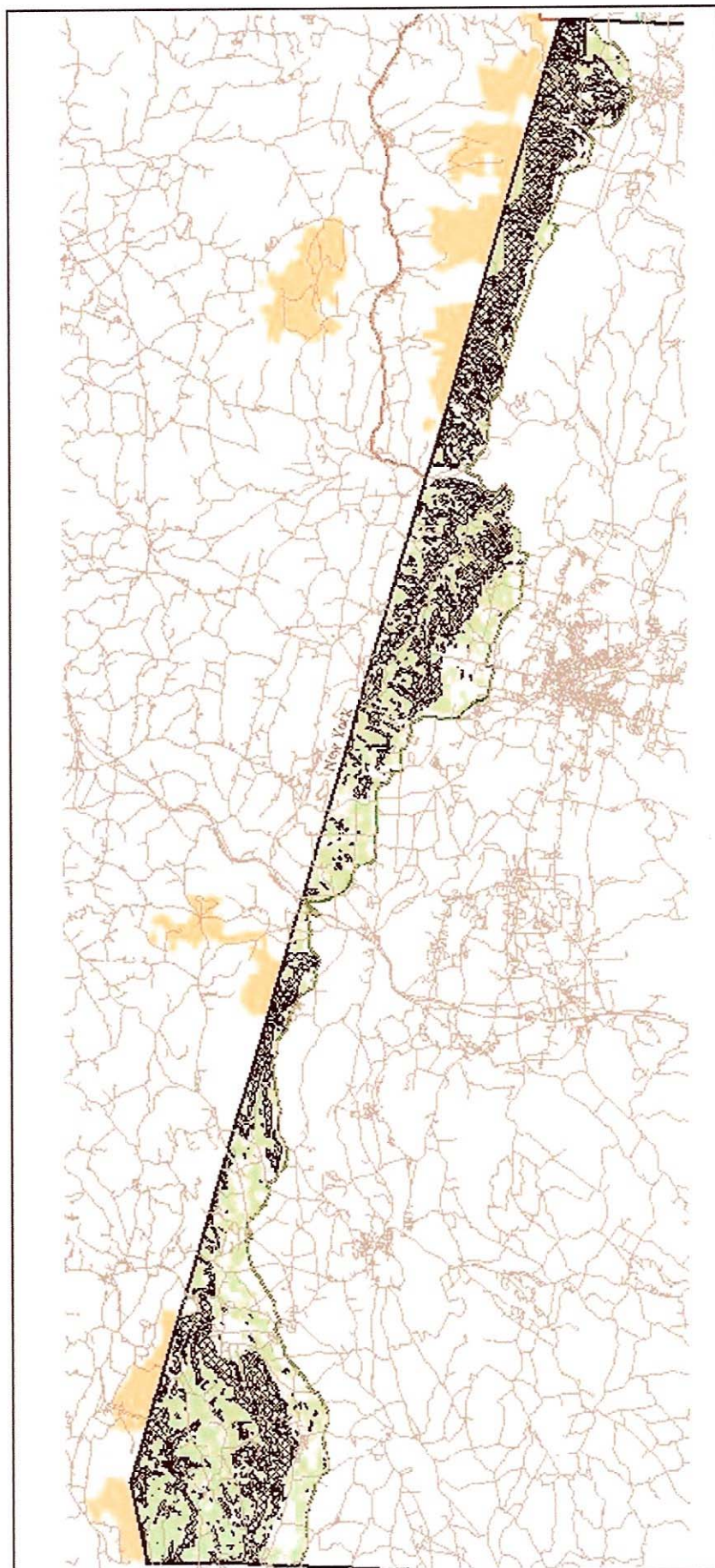


FIGURE 2
FOREST COVER
&
STEEP SLOPES

- MA DEM - Proposed Forest Legacy Area
- NY DEC - Taconic Ridge Legacy Area
- Forest within Proposed Forest Legacy Area
- Steep Slopes (>25%) within Proposed Forest Legacy Area
- Protected Lands within New York State bordering Proposed Forest Legacy Area
- Roadways & Trails



PROPOSED AMENDMENT
FOREST LEGACY NEEDS ASSESSMENT
Massachusetts

Massachusetts
Bureau of Forestry

This map was created for the Massachusetts
Forest Legacy Committee by the Berkshire
Regional Planning Commission.

MA DEM Proposed Forest Legacy Area datalayer
created by BRPC. New York State datalayers
provided by the Bureau of Real Property,
Division of Lands and Forests, New York State
Department of Environmental Conservation. All
other data were provided by MassGIS.
61200 for legapr



2 0 2 4 Miles



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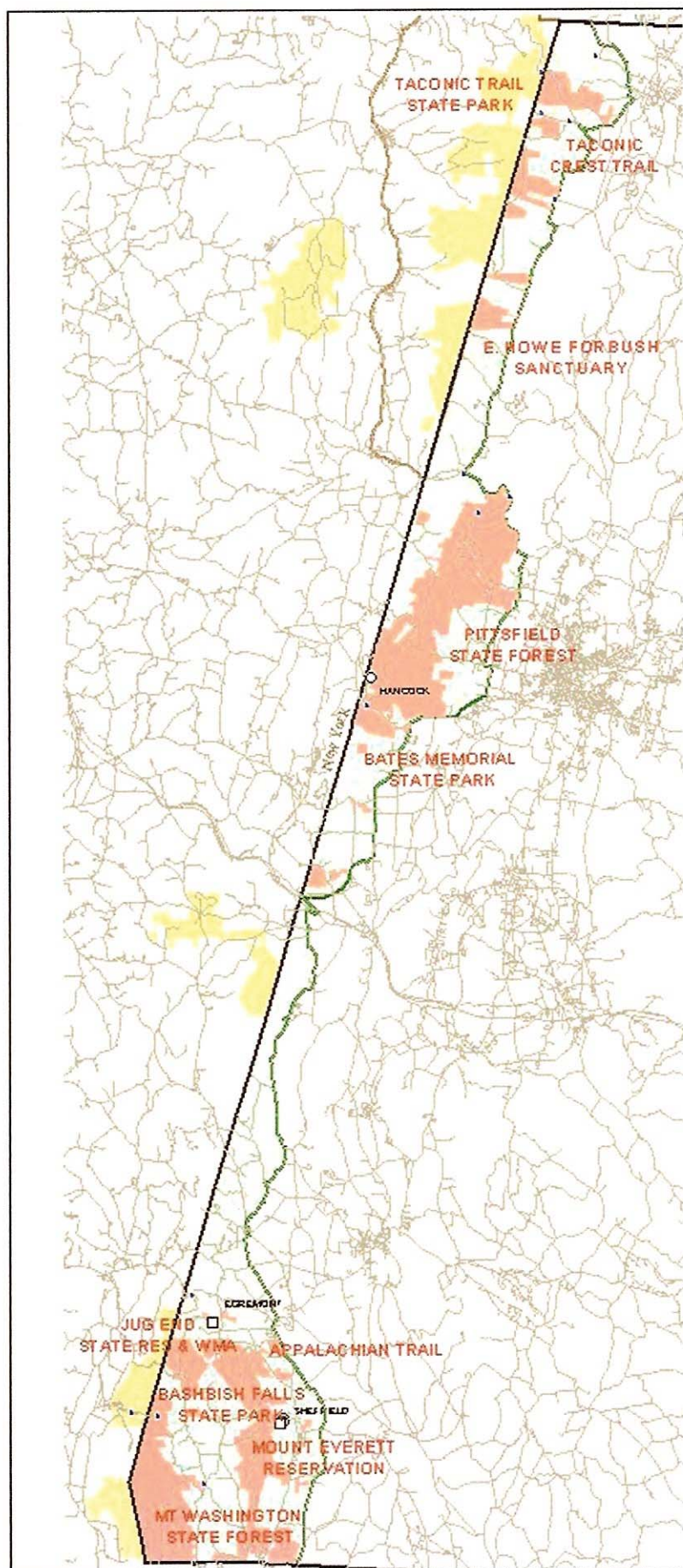


FIGURE 3
PROTECTED LANDS
&
PUBLIC ACCESS

- MA DEM - Proposed Forest Legacy Area
- NY DEC - Taconic Ridge Legacy Area
- Protected Lands within Proposed Forest Legacy Area
- Protected Lands within New York State bordering Proposed Forest Legacy Area
- Parking/Access within Proposed Forest Legacy Area
- Public Water Supply within Proposed Forest Legacy Area: Surface-Water Supply
- Public Water Supply within Proposed Forest Legacy Area: Ground-Water Supply
- Roadways & Trails



PROPOSED AMENDMENT
FOREST LEGACY NEEDS ASSESSMENT
Massachusetts

Massachusetts
Bureau of Forestry

This map was created for the Massachusetts
Forest Legacy Committee by the Berkshire
Regional Planning Commission.

MA DEM Proposed Forest Legacy Area datalayer
created by BRPC. New York State datalayers
provided by the Bureau of Real Property,
Division of Lands and Forests, New York State
Department of Environmental Conservation. All
other data were provided by MassGIS.
61200 for legapr



2 0 2 4 Miles

1:310000

BOUNDARY DESCRIPTION: TACONIC RANGE FOREST LEGACY AREA

Beginning in the Town of Sheffield at the Connecticut-Massachusetts border on Barnum Road,
Thence northerly on Barnum Street to Foley Road, a distance of 0.7 miles,
Thence northerly along Foley Road to Salisbury Road, a distance of 1.8 miles,
Thence easterly along Salisbury Road to Giberson Road, a distance of 0.2 miles,
Thence northerly along Giberson Road to Bow Wow Road, a distance of 2.3 miles,
Thence northerly along Bow Wow Road to Under Mountain Road, a distance of 1.7 miles,
Thence northerly along Under Mountain Road, crossing into the Town of Egremont, to route 23, a distance of 1.1 miles,
Thence easterly along Route 23 to Baldwin Hill Road, a distance of 0.1 mile,
Thence northerly along Baldwin Hill Road to Hillsdale Road, a distance of 2.5 miles,
Thence easterly along Hillsdale Road to Route 71, a distance of 0.2 miles,
Thence northerly along Route 71 to Rowe Road, crossing into the Town of Alford, a distance of 0.5 miles,
Thence northerly along Rowe Road to Green River Road, a distance of 1.4 miles,
Thence northerly along Green River Road to North Egremont Road, a distance of 0.2 miles,
Thence northerly along North Egremont Road to West Road, a distance of 1.2 miles,
Thence northerly along West Road to the Alford-West Stockbridge town line and West Center Road, a distance of 3.9 miles,
Thence northerly in West Stockbridge along West Alford Road to West Center Road, a distance of 1.6 miles.
Thence northerly along West Center Road to Rec Road, a distance of 3.4 miles,
Thence easterly along Rec Road to Route 102, a distance of 0.3 miles,
Thence westerly along Route 102 to Cross Road and the New York State boundary, a distance of 0.6 miles,
Thence easterly along Cross Road to Route 41 at the Town of Richmond boundary, a distance of 1.1 miles,
Thence northerly along Route 41 to Dublin Road, a distance of 4.8 miles,
Thence northerly along Dublin Road to Richmond Road in the Town of Hancock, a distance of 0.9 miles,
Thence northerly along Richmond Road to Route 20, a distance of 0.5 miles,
Thence easterly on Route 20 into the City of Pittsfield to the Boston and Albany Railroad, a distance Of 1.6 miles,
Thence easterly along the Boston and Albany Railroad to Fort Hill Avenue, a distance of 1.1 miles,
Thence northerly along Fort Hill Avenue to West Street, a distance of 0.7 miles,
Thence westerly on West Street to Churchill Street, a distance of 0.3 miles,
Thence northerly on Churchill Street to Potter Mountain Road in Lanesboro, a distance of 3.6 miles,
Thence westerly on Potter Mountain Road to Route 43, a distance of 4.1 miles,
Thence northerly on Route 43 to Oblong Road in the Town of Williamstown, a distance of 8.0 miles,
Thence northerly on Oblong Road to Torrey Road, a distance of 3.2 miles,
Thence westerly on Torrey Road to Bee Hill Road, a distance of 0.6 miles,
Thence northerly on Bee Hill Road to Hawthorne Court, a distance of 1.7 miles,
Thence northerly on Hawthorne Court to Main Street, a distance of 0.3 miles,
Thence westerly on Main Street to Northwest Hill Road, a distance of 0.2 miles,
Thence northerly on Northwest Hill Road to the Vermont State boundary, a distance of 2.5 miles,
Thence westerly on the Vermont State boundary to the New York State boundary, a distance of 1 mile,

Thence southerly on the New York State boundary to the Connecticut state boundary, a distance of 49.4 miles,

Thence easterly on the Massachusetts state boundary to the point of beginning, a distance of 4.1 miles.



COMMUNITY RESOURCE DEVELOPMENT A MASSACHUSETTS HERITAGE

DEDICATED TO IMPROVING THE ECONOMIC, ENVIRONMENTAL,
NATURAL AND HUMAN RESOURCES IN MASSACHUSETTS COMMUNITIES.

Volume XI

December, 1974

Number 4

LANDMARK LEGISLATION — The Scenic Mountains Act

Warren E. Archey*

INTRODUCTION

The environmental protection of mountain regions, a long-overlooked part of the effort to preserve sensitive natural areas, is beginning to get the attention it deserves from the nation's lawmakers.

A milestone in this endeavor is Massachusetts' Berkshire Scenic Mountains Act of 1974. Going beyond land-use controls for mountains enacted by Palo Alto, California and Salt Lake City, Utah, the Massachusetts law is the first state legislation which takes into consideration the entire spectrum of interests served by regulating development in mountainous areas.

The act is directed toward several purposes, including the prevention of pollution and erosion and the preservation of natural scenic qualities. Specifically, the act, which was signed by Governor Francis Sargent on August 14, 1974, enables towns and cities in Berkshire County to designate mountain regions and adopt regulations for those regions in order to "protect watershed resources and preserve the scenic qualities of the environment."

Berkshire County legislators filed the original bill and, in its final form, it received their unanimous support. The law leaves to local governments the critical decision-making power. For instance, in deciding which areas to designate as protected mountain regions, they may take into consideration soil characteristics, elevation and slope.

The mountains affected by the legislation, the Berkshires, were created by natural forces 350 to 400 million years ago. Glaciation, occurring 10,000 to 12,000 years ago, gave them their contemporary shape. Man is new on the scene, geologically speaking, and even newer is his appreciation of mountain resources. This farsighted legislation, with percep-

tive and diligent implementation by local communities, can preserve this fragile landscape for future generations.

Chapter 842
THE COMMONWEALTH OF MASSACHUSETTS
In the Year One Thousand Nine Hundred and Seventy-Four
AN ACT REGULATING CERTAIN ACTIVITIES IN
MOUNTAIN REGIONS OF BERKSHIRE COUNTY.

Whereas, The deferred operation of this act would tend to defeat its purpose which is to provide for the protection of mountain regions of Berkshire County, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

BE IT ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES IN GENERAL COURT ASSEMBLED, AND BY THE AUTHORITY OF THE SAME, AS FOLLOWS:

SECTION 1. Chapter 131 of the General Laws is hereby amended by inserting after section 39 the following section:

Section 39A. A city or town in the county of Berkshire which accepts the provisions of this section may designate its conservation commission, or, if having none, the board of selectmen in a town or the mayor in a city, to carry out the provisions of this section. The designated agency shall adopt reasonable rules and regulations relative to the mountain regions situated within the territorial limits of such city or town to protect watershed resources and preserve the natural scenic qualities of the environment....

SECTION 5. This act shall take effect upon its passage.

HOUSE OF REPRESENTATIVES, AUG 2, 1974

Bill passed to be enacted, *[Signature]* Speaker

Bill passed to be enacted, *[Signature]* President

August 14, 1974
Approved and 26 minutes, P.M. *[Signature]* Governor

*Regional Community Resource Development Specialist
Berkshire County Extension Service
Pittsfield, Massachusetts



William H. Tague, *Berkshire Eagle*, Pittsfield, Massachusetts

THE ACT

This act, while restricted now to Berkshire County, has statewide, indeed national, implications for the future.

The law's origin goes back to late 1973 when the Berkshire Natural Resources Council (BNRC) hired an attorney, Natalie West, to draft legislation designed to protect Berkshire mountain regions. The executive director of the BNRC, George S. Wislocki, underscored the urgency of this undertaking at that time: "Mountain regions are critical to the overall fabric of life in this county. Wherever you look, there are mountains. But unless measures are taken, they will be exploited, particularly by second-home development."

Very simply, the act enables Berkshire County cities and towns to delineate their own mountain regions and then exercise control over their development. Development within these regions must be reviewed by a town's conservation commission at a public hearing. The commission can then place conditions on development in line with the wording of the law, to "... protect watershed resources and preserve the scenic qualities of the mountain regions."

Essential to the process of drafting legislation was an open meeting in early 1974 designed to measure public response to the provisions of the act. This meeting, co-sponsored by the BNRC and the Cooperative Extension Service, and held in Pittsfield, led to the redrafting of the legislation. In the words of Mr. Wislocki, the meeting "... was an exemplary exercise in participatory planning." More than 120 persons, many of them representatives of Berkshire County conservation commissions, were especially eager to see how the act could affect their individual towns.

The BNRC engineers, Robert G. Brown and Associates of Lee, Massachusetts, provided a map which showed those areas likely to be affected by the law. Since the act was designed to protect mountaintops, the rationale used was to determine the average elevation of towns within the six watersheds in the county, then to determine the "base elevation" above mean sea level for each of the watersheds.

These were as follows:

Farmington River Watershed	—	1500 feet
Housatonic	" "	— 1500 feet
Westfield	" "	— 1600 feet
Deerfield	" "	— 1700 feet
Hudson	" "	— 1700 feet
Hoosic	" "	— 1800 feet

A map depicting mountain regions based on the base elevations criteria is shown in Figure 1.

In many towns these base elevations were felt to be realistic by those attending the meeting, but in others, especially those in the eastern plateau area of the county, a literal application of the base elevations was found to encompass a very large percentage of the town's area. The act, by design, accommodates this problem by allowing a town flexibility in determining mountain region boundaries. The act states, "If the hearing authority (generally the conservation commission) determines that the regulations of certain areas which have elevations lower than the base elevation is necessary to accomplish the purposes of this section, the hearing authority may include those areas in the proposed mountain regions. If the hearing authority finds that regulation of certain areas above the base elevation would not accomplish the purposes of this section, the hearing authority may exempt those areas from the proposed mountain regions."

The base elevation provision in the act was the source of most of the contention at the meeting. This provision was changed to defuse the contention, but the base elevations are still retained in the act to give towns a framework reference or a starting point upon which to make refinements.

In April, 1974, the Joint Legislative Committee on Natural Resources and Agriculture held a hearing on the scenic mountains legislation. Mr. Frederick G. Crane, Jr., chairman of the BNRC and a member of the Commonwealth's Board of Natural Resources, made a persuasive case in support of

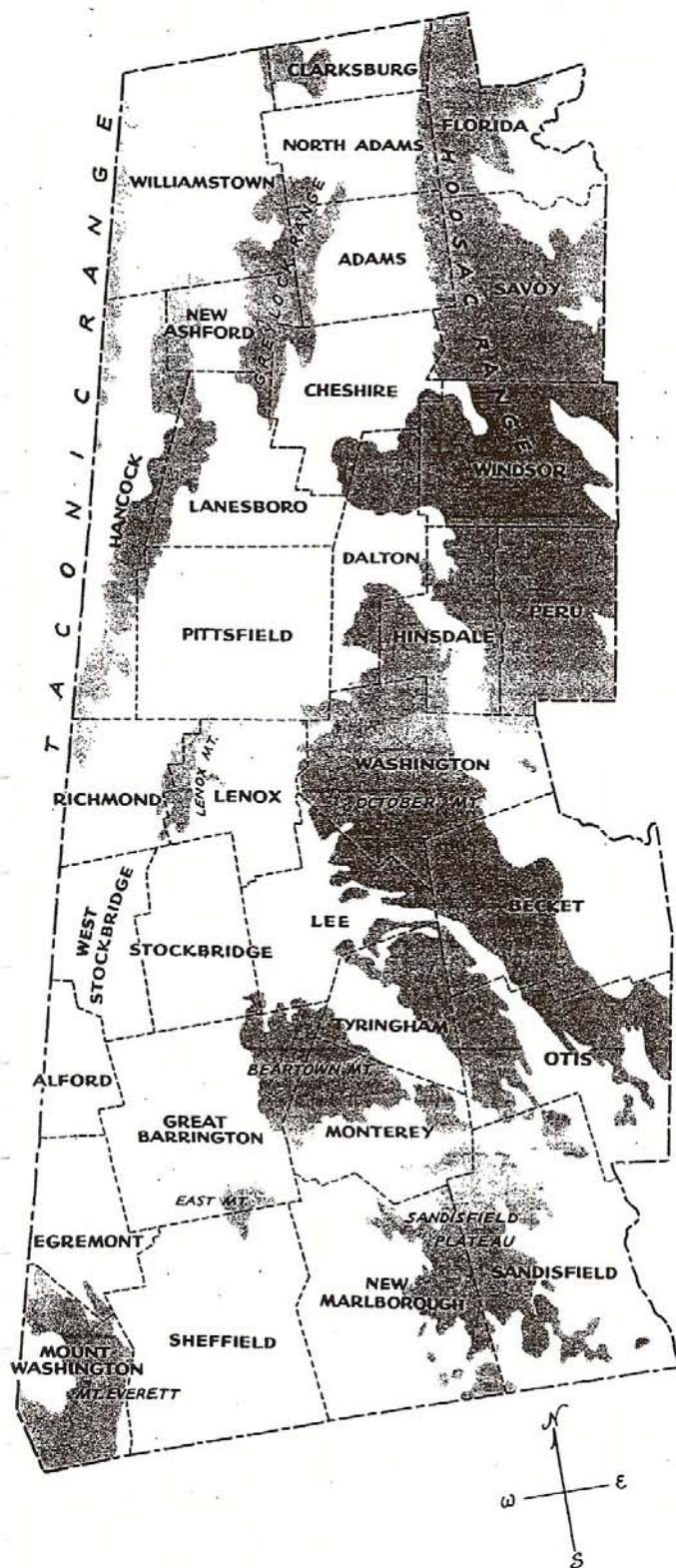


Figure 1

PROPOSED SCENIC MOUNTAIN REGIONS
OF BERKSHIRE COUNTY

0 5 10 MILES

the bill. The following are excerpts from his statement, which stressed the need for protection of the mountains and outlined major provisions of the act:

"Let me begin by quoting a recent editorial from a Berkshire newspaper:

"The Scenic Mountain Act for Berkshire County is a concept that probably should have been conceived years ago. In recent years we have witnessed the ruin of our lakes by enthusiastic, greedy speculators. There is no reason why we should sit back and watch our mountain tops meet with a similar fate. (Editorial from *The Berkshire Courier*, January 10, 1974)

"In past years, most of the development in Berkshire County has taken place along the valley floors. Mountains have been inaccessible. Rocky soils and steep slopes make it difficult to build or grow anything in mountain regions. However, in recent years advances in building techniques have made it possible to perch a home high on a mountain slope, giving the homeowner a sweeping view of the valleys below. As lakeshore frontage is consumed by residential development, demand for second home sites will focus on highland areas. Industrial and residential expansion in the valleys is not possible without additional power, and the shortest path between two points often takes a utility powerline over a mountain. Radio towers and other communications apparatus threaten to clutter the Berkshire skyline.

"Activities which disturb the natural characteristics of mountainsides and mountaintops irreversibly change these environmentally sensitive areas. Excavation, construction, clearing and fill are visible for many miles. Destruction of the natural ground cover can result in severe erosion. Alteration of mountainsides increases the possibility of uncontrolled runoff. Steep, rocky slopes impede adequate sewage disposal. Aquifer recharge areas are usually located at elevations higher than the valley floors, and can be polluted by mountainside development.

"At present, most of the Berkshire mountainsides and mountaintops remain unspoiled and it's easy to enjoy our natural surroundings without considering the need to protect them. However, preserving the natural scenic qualities of the mountains requires careful evaluation of activities which would alter those regions. That old aphorism that cautions against putting off until tomorrow what you can do today has particular significance for the Berkshires: If we don't act to preserve our mountaintops today, we won't be able to act tomorrow. The scenic mountains bill provides a framework for immediate action to preserve the mountains of Berkshire County.

"The Berkshire Scenic Mountains Act would be a regulatory act, not a restrictive or confiscatory act. It would be an enabling act which allows each town in Berkshire County to choose whether or not that town wishes to protect its scenic mountains. Once a town has chosen to adopt the act, the conservation commission could impose conditions on any activity which would alter mountain regions of the municipality. If there is no conservation commission in the city or town, the mayor or board of selectmen would carry out the act.

"The conservation commission would identify important mountain regions in the community. Generally, any land which has an elevation higher than the 'base elevation'

would be considered a mountain region. The base elevation is the mean elevation of the watershed within which the activity is proposed, so the bill would protect approximately the top half of the watershed. In general, designating all areas above the base elevation as mountain regions will include watersheds for much of the county's water supply, many of the steep slopes which are subject to erosion, and highly visible areas of natural beauty. However, the bill provides that the hearing authority may include additional land at lower elevation or exempt land situated above the base elevation if necessary to accomplish the purposes of the act. This flexibility meets the needs of those towns which complain that protecting only the top half of their mountains is not going to protect enough area. On the other hand, certain towns may wish to exclude land situated above the base elevation. The provisions for exclusion are particularly important to those towns which are located in relatively high but flat areas of the county, such as Becket, and my own town of Dalton.

"The boundaries of mountain regions would be adopted by the city council in a city, or town meeting in a town. After the mountain regions have been established, any person who wishes to remove, fill, excavate or alter land in the region must file written notice of this proposed activity with the conservation commission. This requirement does not apply to existing structures, present uses of land, prior approved subdivisions, or land used for lumbering.

"After receiving notice from the applicant, the conservation commission will determine whether the proposed activity may permanently alter the mountain region. If so, the conservation commission will hold a public hearing; if not, the applicant will receive an order which allows him to begin his project.

"If a hearing is held, the conservation commission will consider the potential impact of the activity on the mountain region and may impose conditions to protect public or private water supply, to prevent erosion, to facilitate flood control, or preserve the natural scenic qualities of the mountain regions.

"The scenic mountains bill is the product of months of study and research by the BNRC and consultants hired by the council. It has been written to incorporate the suggestions of the residents in Berkshire County and throughout the Commonwealth."

IMPLEMENTATION OF THE ACT

To illustrate how the act will be implemented, a map depicting the proposed mountain regions of Lenox is shown in Figure 2. Included within the scenic mountains region are watershed lands which serve Lenox's public water supply (double-crosshatched). This map is preliminary only and was developed using the combined efforts of the BNRC, the Conservation Commission, the Planning Board, and the Town Counsel of Lenox.

Elevations were used as much as possible to define the mountain regions. Soil information was especially valuable in determining the boundaries. The Soil Conservation Service (SCS) *General Soils Report, Berkshire County, Massachusetts* was used for this purpose. (See Figure 3).

The criteria used to select boundaries were designed to

include watersheds serving public water supply, steep slopes, highly erosive, shallow soils and — as important as any other criterion — a popularly held belief that the boundaries did indeed define the "mountain region."

The soil survey showed 2 soil types (types 10 and 11 on Figure 3) which delineated shallow soils and steep slopes. The SCS defined general soil area 10 as "shallow to bedrock soils and deep, well drained and moderately well drained, stony soils, with hardpans, on uplands with slopes greater than 15 percent." General soil area is defined as "shallow to bedrock soils and deep, well drained and moderately well drained, stony soils, with hardpans on uplands with slopes less than 15 percent."

In an effort to obtain further information concerning the use of soil data, the Pittsfield SCS office was contacted. Richard Scanu, soil scientist with SCS explained that "generally in Lenox, soil area 10 included steep slopes which were shallow to bedrock and highly erosive (especially so, on the steepest slopes). In this soil area there are some inclusions of deeper soils, but these have a hardpan which restricts vertical movement of water. Soil area 11," he said, "had the same problems except that soils were not as steep. Both of these soil areas are severely limiting in terms of intensive development and should be avoided."

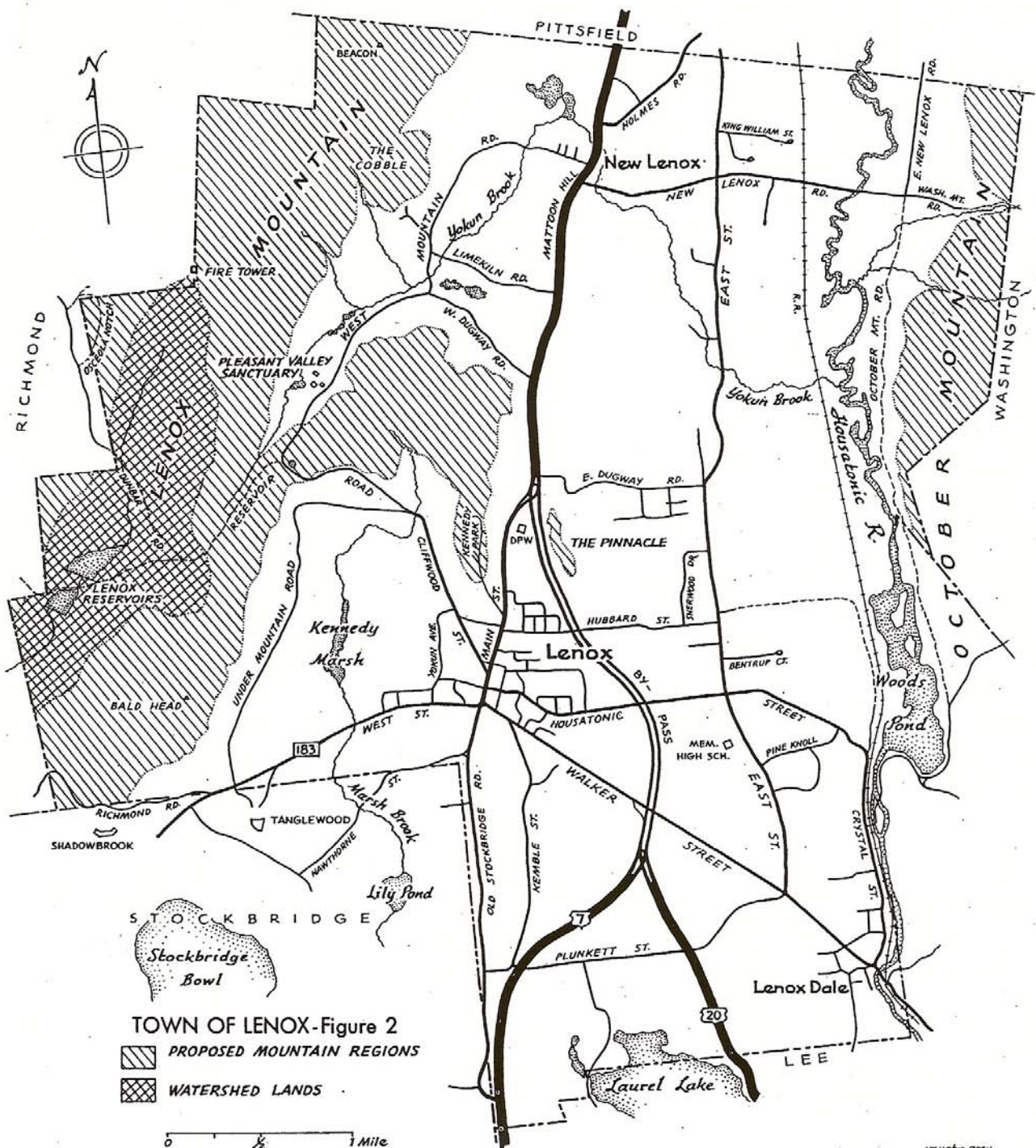
With this information in hand, the group chose 1250 — 1400 feet as the elevation criterion for the Taconic Range. Again, the specific contour used in any given area depended on the soil conditions encountered (according to the soil survey), the presence of a watershed serving a public water supply, and whether the area could reasonably be determined mountainous. The Taconic Range is in the west part of town and is locally known as Lenox Mountain. On the east side of Lenox the elevation selected was 1100 — 1200 feet. Here again the contour line delineated areas having steep slopes and shallow soils. This area included October Mountain and is, incidentally, part of the southern extension of the Green Mountains.

THE FUTURE

For the further implementation of the act, model regulations are being drafted now by the BNRC for use by Berkshire towns. Funds were made available for this purpose by the Boston based *Fund for the Preservation of Wildlife and Natural Areas*. These are expected to be available in late March and again, the public forum will be used to incorporate conservation commission ideas into the final version.

The act itself may be in for a slight overhaul soon. Mr. Wislocki has proposed minor amendments which will be acted on in the next legislative session. The most needed amendments though, according to Mr. George Darey, Lenox Conservation Commission chairman, concern the requirement of a two-thirds vote at town meetings and the placing of utilities on the exempted list. He sees a simple majority requirement as more reasonable and favors inclusion of "utilities' mountain activities" within the jurisdiction of the act.

The Berkshires are a unique visual asset to the Commonwealth, so unique in fact, that the visual amenities can be translated into economic benefits. This is especially true when one considers that each tourism season in the Berkshires, summer, fall and winter, is based to a greater or



esser degree on the mountains. As many have said before, 'good ecology is good economics.'

This act recognizes the sensitive nature of mountain landscapes with their steep slopes, shallow and highly erosive soils, fragile vegetative communities, watershed values, and scenic qualities. With luck, local political authorities galvanized by individual initiative, will consider the act a welcome addition to the meager arsenal of protective devices available to conservation in Massachusetts.

Copies of the Scenic Mountains Act, implementation guidelines and the regulations (pending) may be obtained from George S. Wislocki, Executive Director, Berkshire Natural Resources Council, 8 Bank Row, Pittsfield, Ma. 01201.

Correction: Vol. XI, September, 1974, No. 3, pg. 2 . . . the Caratunk Wildlife Refuge at Seekonk owned by Massachusetts Audubon Society should read: . . . the Caratunk Wildlife Refuge at Seekonk owned by The Caratunk Wildlife Trust and managed and operated by The Audubon Society of Rhode Island.



Figure 3

Editorial Board: Regional Community Resource Development Specialists: Arnold C. Lane, Cape Cod Extension Service, Deeds and Probate Building, Railroad Avenue, Barnstable 02630; Warren E. Archey and Dick L. Boyce, Berkshire County Extension Service, 46 Summer Street, Pittsfield 01201; Pardon W. Cornell, Bristol County Agricultural High School, Center Street, Segreganset 02773; Ralph H. Goodno, Essex Agricultural and Technical Institute, 562 Maple Street, Hawthorne 01937; H. Peter Wood, Franklin County Extension Service, Court House, 425 Main St., Greenfield 01301; Christos C. Mpelkas, Norfolk County Agri-

cultural High School, 460 Main Street, Walpole 02081; Michael V. Sikora, Plymouth County Extension Service, High Street, Hanson 02341; Lewis A. Hodgkinson and Frederick B. Giebel, Worcester County Extension Service, 36 Harvard Street, Worcester 01608 and Regional Community Resource Development Agents Thaddeus J. Kuczewski, Bristol County Agricultural High School, Center Street, Segreganset 02773 and James T. Williams, Middlesex County Extension Service, 105 Everett Street, Concord 01742; John H. Noyes, Department of Forestry and Wildlife Management, Univ. of Massachusetts, Amherst 01002, Editor.

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Direct inquiries to: Cooperative Extension Service,
Holdsworth Natural Resources Center, University of Massachusetts, Amherst, Mass. 01002

Appendix G



Appalachian Mountain Club



July 31, 2000

Warren E. Archey, Chief Forester
Bureau of Forestry
Department of Environmental Management
Box 1433, 740 South Street
Pittsfield, MA 01202

Dear Mr. Archey:

I am writing on behalf of the Appalachian Mountain Club in support of the proposed federal designation of a "Taconic Ridge Forest Legacy Area" pursuant to Section 1217 of Title XII of the Food, Agriculture, Conservation and Trade Act of 1990 (Public Law 101-624:104 statute. 3359).


The Appalachian Mountain Club is a regional 86,000-member organization committed to the protection, enjoyment, and wise use of the mountains, rivers, and trails of the Northeast. There are over 30,000 members in Massachusetts and another 800 members who live in and around Albany. As America's oldest hiking and conservation organization, we are very concerned with the protection of mountain ridgelines, especially those, like the Taconic Ridge, which offer both natural and recreational riches.

The Taconic Ridge runs the length of Berkshire County from the Vermont border to the Connecticut border, travelling in and out of New York and Massachusetts. For more than a decade, this ridgeline has offered the promise of a long distance hiking trail between Connecticut and Vermont, twenty miles or so is already on the ground. In addition, it provides a critical wildlife corridor and is the source of many brooks and streams that are part of the Hudson, Housatonic and Hoosic river watersheds. This ridgeline runs parallel to the west of much of the Appalachian Trail in Massachusetts, providing critical viewsheds for most of the Trail's 83-mile stretch in the Bay State. The experience of looking out at rolling, forested mountains is a critical element in the Appalachian Trail experience. For all of these reasons, AMC supports developing as many tools as possible to protect this landscape feature from fragmentation and development.

The federal designation of a Taconic Ridge Legacy Area allows the land to remain in private hands and supports those who want to ensure that the land can remain as a working landscape. We hope that, where appropriate, recreational access will be one of the factors figured into the conservation easements developed with private landowners.

If we can be of any further assistance, please let us know. Questions can be directed to Ruth Dinerman, 413-443-0011 ext. 11.

Sincerely,


Eric Antebi

Director of Conservation Policy and Advocacy

Cc: Commissioner Peter Webber, DEM
Secretary Robert Durand, EOE
USFS Chief Michael Dombeck
Tad Ames, Berkshire Natural Resources Council

APPALACHIAN TRAIL CONFERENCE

799 Washington Street
(Post Office Box 807)
Harpers Ferry, West Virginia 25425-0807
Telephone: (304) 535-6331
Facsimile: (304) 535-2667



APPALACHIAN TRAIL CONFERENCE LAND TRUST
Massachusetts Project
PO Box 264
South Egremont, Massachusetts 01258
(413) 229-6628

July 31, 2000

Mr. Warren Archey
Bureau of Forestry, Department of Environmental Management
740 South Street Box 1433
Pittsfield, Massachusetts 01202

Dear Mr. Archey,

The Appalachian Trail Conference Land Trust, Massachusetts Project, lends its enthusiastic support to the proposed Taconic Ridge Forest Legacy Area extending along the westerly edge of Massachusetts.

The mission of the ATC Land Trust is to provide for protection of the hiking experience along the Appalachian Trail. While the federal government has provided for the actual Appalachian Trail location, preservation of the hiking experience depends on the successful protection of privately-held lands nearby the Trail where development might have a significant impact. The proposed Taconic Ridge Forest Legacy Area includes lands nearby the Appalachian Trail, and such a Forest Legacy Designation would increase conservation opportunities and help with protection of the Trail and the substantial investment of the people of the United States in preserving this hiking opportunity for the future.

There are also ongoing efforts to add additional hiking trails in the area of this Forest Legacy proposal, and these trails might link up to the Appalachian Trail to further provide hiking opportunities for future generations.

We therefore strongly urge approval of the proposed Taconic Ridge Forest Legacy Area designation.

Sincerely,

Eileen P. Vining
Eileen P. Vining, Coordinator

B. Field
T. Fitzgerald
Chair-New England
C. Sperry
Chair-Mid-Atlantic
Hutchings
Chair-Southern

Marianne J. Skeen
Secretary
Kennard R. Honick
Treasurer
Arthur P. Foley
Assistant Secretary
David N. Startzell
Executive Director

New England Region
Stephen L. Crowe
Carl Demrow
John M. Morgan
Andrew L. Peterson
Ann H. Sherwood
Steven Smith

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Walter E. Daniels
Charles A. Graf
Sandra Marra
Eric G. Olson
Glenn Scherer
William Steinmetz

Southern Region
Bob Almand
Theresa A. Duffey
Michael C. McCormack
William S. Rogers
Vaughn H. Thomas
James M. Whitney, Jr.

Members at Large
Al Sochard
Dawson Winch

www.atconf.org



BERKSHIRE NATURAL RESOURCES COUNCIL, INC.

20 Bank Row, Pittsfield, Massachusetts 01201 Tel: (413) 499-0596 Fax: (413) 499-3924 E-mail: bnrc@bcn.net

July 21, 2000

Mr. Warren Archey, Chief Forest
Bureau of Forestry
Dept. of Environmental Management
740 South Street
Pittsfield, Massachusetts 01201

Dear Warren:

Berkshire Natural Resources Council is pleased to support the proposed designation of the Taconic Ridge Forest Legacy Area. The proposed area includes multiple resources of great significance to the public.

The Taconic Range is relatively unfragmented by roads and development. It is an outstanding recreational resource for hiking, skiing, hunting, bicycling and nature study. It represents unbroken high elevation wildlife habitat with rich forage and undisturbed breeding and nesting opportunities. It is a highly scenic range, visible from countless vantage points around the Berkshires.

Development threatens all of these resources. The easily buildable land in the valleys is gone, and builders are now turning to the heights on the Taconic Range and other ridgelines.

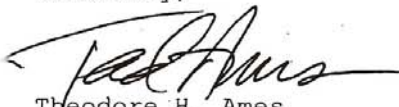
The many large tracts on the range encourage efficient and sustainable forest management. The lack of major development within the great majority of the proposed area means that natural systems are functioning without interference. This is particularly critical in the area of hydrology, both for the protection of public water supplies and for the recharge of valley-bottom wetlands and streams, whose water quality has made the Schenob Brook drainage basin adjacent to the proposed area one of New England's foremost biodiversity sites.

Finally, we would note the multiplicity of non-profit organizations that are prepared to provide in-kind service and other conservation contributions toward the effort to protect lands within the Legacy area. These include national groups such as The Nature Conservancy,

regional and statewide groups such as Berkshire Natural Resources Council and The Trustees of Reservations, and local land trusts such as those in Sheffield, Egremont, Richmond and Williamstown. This is not even to mention the cooperative relationship regarding Taconic preservation that Massachusetts has enjoyed with New York State over the years.

In short, we believe this is an outstanding nomination, and encourage designation of the Taconic Range Legacy Area. With best wishes,

Sincerely,

A handwritten signature in dark ink, appearing to read 'T. H. Ames', with a stylized, sweeping flourish extending to the right.

Theodore H. Ames
Director

Egremont Land Trust

P.O. Box 132
South Egremont, MA 01258
Telephone (413) 229-6628

July 27, 2000

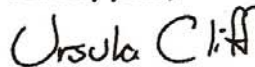
Mr. Warren E. Archey, Chief Forester
Bureau Of Forestry
Department of Environmental Management
Box 1433, 740 South Street
Pittsfield, Massachusetts 01202

Dear Mr. Archey,

The Egremont Land Trust enthusiastically supports the federal designation of a Taconic Ridge Forest Legacy Area. Almost all of our community lies within the proposed area, and most of this is steep, wooded slopes. On July 17, 1992, much of Egremont and our neighboring town, Mount Washington, was designated by the Secretary of the Environment as the Karner Brook Watershed Area of Critical Environmental Concern.

The preservation of our forests is vitally important to our town, and it is part of the mission of the Egremont Land Trust. Both the Appalachian Trail and the South Taconic Trail pass through the high wooded areas of the town, native trout swim in the upper parts of our brooks, and a great number of hunters travel the woods in the fall. The Egremont Water Company pumps its water from Karner Brook as it flows down from the ridge and very many private wells tap into an aquifer supplied by recharge areas on the limestone mountains. The forests provide a unique habitat for an unusual number of rare species. The Massachusetts Natural Heritage and Endangered Species Program has protected 34 birds, reptiles and plants in this area. Since most people in town can look up at the ridge, it is important to all of us that the mountains, on which so much of the town's charm depends, remain cloaked with the forests we all love.

Sincerely yours,



Ursula Cliff
President



BOARD OF SELECTMEN

TOWN OF EGREMONT
P.O. Box 368
Egremont, MA 01258-0368

July 31, 2000

Mr. Warren E. Archey, Chief Forester
Bureau of Forestry
Department of Environmental Management
Box 1433, 740 South Street
Pittsfield, MA 01202

Dear Mr. Archey:

The Egremont Board of Selectmen would like to lend its support to the federal designation of a Taconic Ridge Forest Legacy Area.

The Egremont Water Department, which supplies nearly one-half of our residents with good quality water, has as its source the Karner Brook Watershed, which lies within the Taconic Ridge Forest Legacy Area. It is essential that this vital area remain protected.

Also, many of our most scenic views lie in this area, and for this reason the area should remain protected.

Many active and passive recreational activities take place in these high wooded areas in all seasons of the year. We would ask that these areas be protected so that our residents may continue to enjoy them for these recreational activities.

Very truly yours,

THE EGREMONT SELECTMEN

Peter A. Goldberg (HE)

Charles P. Ogden

David D. Campbell



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION



DIVISION OF FORESTRY

August 31, 2000

Warren E. Archey
State Forester
Massachusetts DEM
PO Box 1433
Pittsfield, MA 01202

Dear Warren,

Just a note to let you know that Connecticut welcomes the news that Massachusetts intends to expand its Forest Legacy areas to include that portion of southwestern Massachusetts that is immediately adjacent to our "Western Legacy Area" in northwestern Connecticut.

As you and I discussed, this bodes well for future multi-state Forest Legacy efforts between Massachusetts, New York, and Connecticut – specifically dealing with protections for the Taconic Ridge. Perhaps you, Frank Dunstan, and I should talk over this program development at the NASF meeting in Kansas in October.

Sincerely,

Donald H. Smith
State Forester

cc: Fred Borman

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Town of Egremont
Conservation Commission
South Egremont, Massachusetts 01258

July 28, 2000

Mr. Warren E. Archey, Chief Forester
Bureau of Forestry
Department of Environmental Management
Box 1433, 740 South Street
Pittsfield, Massachusetts 01202

Dear Mr. Archey,

The Egremont Conservation Commission is very strongly in favor of the designation of the Taconic Ridge Forest Legacy Area. The Town of Egremont is very proud of the high quality of our water. Since our function is the safeguarding of this water quality and since almost all our town's water finds its source in our heavily forested mountains, we feel that it is essential that these forests be protected.

We further feel that since this potential protection will come from the purchase of conservation easements from willing sellers and not from any form of government pressure, the independence of our community's landowners will be maintained, and such a designation will meet with general approval in the town.

All our Commissioners hope that this designation will succeed.

Very truly yours,



Theodore Vining
Chairman

New York State Department of Environmental Conservation

Division of Lands & Forests, Room 410C

50 Wolf Road, Albany, New York 12233-4250

Phone: (518) 457-2475 • FAX: (518) 457-5438

Website: www.dec.state.ny.us



AUG 22 2000

Mr. Warren E. Archey, Chief Forester
Department of Environmental Management
Division of Forests and Parks - Region V
740 South Street, P. O. Box 1433
Pittsfield, MA 01202-1433

Dear Warren:

Thank you for the opportunity to review Massachusetts' proposed Forest Legacy Needs Assessment Amendment.

New York State wholeheartedly endorses making the Taconic Ridge/Range your State's newest Forest Legacy Area. We look forward to working with Massachusetts on acquisitions within what may be the first bi-state Forest Legacy Area.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Frank M. Dunstan'.

Frank M. Dunstan
State Forester



**EGREMONT PLANNING BOARD
PO BOX 368
SOUTH EGREMONT, MASSACHUSETTS 01258**

July 31, 2000

Mr. Warren Archey
Department of Environmental Management, Bureau of Forestry
Box 1433 740 South Street
Pittsfield, Massachusetts 01202

Dear Mr. Archey,

The Egremont Planning Board offers its strong support for the designation of a federal Taconic Ridge Forest Legacy Area. The steep, forested slopes of Egremont would lie within that Forest Legacy Area and are prime candidates for preservation. Egremont's forest areas are important to the town ecologically, economically, and recreationally, and the Planning Board enthusiastically supports this designation as an opportunity for further conservation.

Ecologically, much of Egremont's mountain forested area serves as watershed for the town's public water supply; for prime, unspoiled brooks; and for protected habitat areas containing a rich variety of rare and endangered species. Recognition of the ecological significance of those areas is evidenced by the state designation as an Area of Critical Environmental Concern. With the reappearance of large mammals such as bear and moose, Egremont's forested areas serve as habitat to an increasingly diverse number of species.

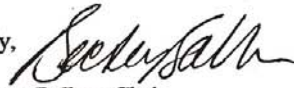
Economically, the scenic vistas of these mountain areas are an important factor in the tourism industry which sustains this area. Egremont's forests are also a sustainable source of local timber and provide income for both property owners and those in the forestry industry.

In addition to their ecological and economic importance, our forested mountains and valley areas are of significant recreational importance. The Appalachian Trail, the South Taconic Trail, and numerous other hiking opportunities are located in these forested areas, and hunters in these wooded areas fulfill an important role in the state's game management strategies.

Egremont's forested areas do not stand alone but are an integral part in the entire forestry tract running along the western boundary of our state. Designation of this entire tract as a Forest Legacy Area would present important preservation opportunities for the forestry tract as a whole to be protected, and we urge that this Forest Legacy Designation be adopted.

Thank you.

Sincerely,



Beckerman Balken, Chair
for the Egremont Planning Board



Massachusetts Audubon Society
208 South Great Road
Lincoln, Massachusetts 01773
(781) 259-9500

July 28, 2000

Warren E. Archey, Chief Forester
Department of Environmental Management, Bureau of Forestry
Box 1433
740 South Street
Pittsfield, MA 01202

Re: Taconic Ridge Forest Legacy Area

Dear Mr. Archey:

The Massachusetts Audubon Society supports the proposed designation of a Taconic Ridge Forest Legacy Area.

This program will enhance the commonwealth's ability to protect forestlands in southwestern Massachusetts from development. Maintenance of large blocks of forest is necessary in order to support viable populations of many species of plants and animals, and indeed, a functioning forest ecosystem. Many forest dependent species require large blocks of forest. Examples include neotropical migrant birds like the wood thrush, red-eyed vireo, and scarlet tanager, as well as mammals such as black bear and fisher. Many amphibians and turtles, typically associated with wetland habitats, actually rely for critical portions of their life cycles on upland forest habitat. Even plants depend on interconnected areas of forest, as the seeds of some woodland wildflowers are spread only by ants, which cannot effectively continue this dispersal function in areas divided by paved roadways.

As you know, the trends in forestland ownership statewide are creating an increasingly fragmented pattern that makes forests more difficult to manage in a sustainable manner. As land becomes more valuable, individual landowners are increasingly likely to develop their properties, or to simply manage the forest for short term gains rather than long range forest health. If this trend is not altered, the result will be devastating to the functionality of the forest on a landscape scale over the long term. The forest legacy program can help address this problem through purchase of land and conservation easements, thereby maintaining the land in a forested condition.

We have one minor area of concern regarding easements vs. full acquisition. Easements are an appropriate tool in some instances, but should be used judiciously. In instances where easements are the tool of choice, care must be taken in crafting the easement language to ensure that the ecological protection purpose of the easement is legally binding.

It is particularly appropriate to target this program in the southwestern portion of the commonwealth; along the Taconic Ridge, with its large undivided areas of ecologically valuable forestlands.

Sincerely,

E. Heidi Roddis
Senior Policy Specialist

cc: Jack Buckley, Division of Fisheries and Wildlife
The Nature Conservancy, Berkshires Office
Berkshire Natural Resources Council



Massachusetts Forest Stewardship Program

433 West Street Amherst, MA 01002
phone: 413-256-1201 FAX: 413-253-5542

a program of DEM-Division of Forests and Parks, with funds from USDA-Forest Service



28 August 2000

Warren Archey, Chair
Massachusetts Forest Legacy Committee
Dept. of Environmental Management
P.O. Box 1433
Pittsfield, MA 01202

Dear Warren,

I'm writing on behalf of the Statewide Stewardship Committee, in response to the proposed amendment to the Massachusetts Forest Legacy Needs Assessment. The committee members have had an opportunity to review this document and unanimously support the amended Needs Assessment as presented.

We believe that the amendment document demonstrates strong support for the new Taconic Ridge Forest Legacy Area. Its forest resource values are extremely worthy of protection and will buttress New York efforts on the other side of the state line. We are also satisfied that there is good public support for this proposal. In Massachusetts the Legacy Program has always been delivered with close cooperation from a local sponsoring organization that knows the land and ownerships intimately. In keeping with this tradition, a number of regional conservation partners met to support the new Legacy Area and to determine boundaries. Later, a public meeting was held at which further support was in evidence.

Finally, we feel it is appropriate that new Legacy Areas be added at this time, as funding continues to increase, albeit modestly. We would gladly see the U.S. Forest Service's Forest Legacy Program funding sky-rocket, as this is a highly cost-effective way to conserve the many public values that flow from private forests. This program truly rewards forest stewardship, rather than encouraging the development that can lead to fragmentation.

Sincerely,

Steve Anderson, Program Coordinator
Forest Stewardship Program

in cooperation with

Mass. Association of Professional Foresters Mass. State Forestry Committee Mass. Forestry Assoc.
Mass. Wood Producers Assoc. Mass. Tree Farm Committee Mass. Christmas Tree Assoc. Mass. Maple Producers Assoc.
The Trustees of Reservations New England Forestry Foundation Berkshire-Pioneer RC&D Pilgrim RC&D
Mass. Division of Fisheries & Wildlife Mass. Assoc. of Conservation Districts Mass. Commission on Soil, Water & Related Resources
UMass Extension-University of Mass./Amherst USDA-Natural Resources Conservation Services USDA-Farm Service Agency



TOWN OF MOUNT WASHINGTON
118 East Street
Mount Washington, Massachusetts 01258
(413) 528-2839 Fax: (413) 528-2839

Warren Archey
Chief Forester
DEM
P O Box 1466
Pittsfield, MA 01202
August 7, 2000

Dear Mr. Archey,

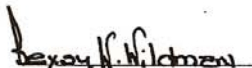
We wish to express our support for the designation of the Taconic Range as a Forest Legacy Area.

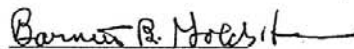
Our town lies at the heart of the southern Taconic Mountains. We are at the upper reaches of the two watersheds, the Housatonic and Hudson; we are home to significantly threatened and endangered species; our unspoiled mountain summits are visible from three states, and two major trail systems run through our town, the Appalachian Trail and the Taconic Trail. The Nature Conservancy has noted that we are part of a 36,000 acre relatively unfragmented forest bloc which is the largest in southern New England. These are all special features that deserve special protection.

It is our understanding that a Forest Legacy Area designation for the Taconic range will enable property owners to sell development rights to their lands while retaining ownership. Participation in the program is voluntary and doesn't entail eminent domain. Property owners negotiate individually with the state or federal government and the town is not a party to those negotiations.

We believe the Forest Legacy program will afford our townspeople another opportunity to protect their undeveloped lands while receiving financial remuneration and we support the benefits of this program.

Sincerely,


Betsy Wildman


Barnett Goldstein

Mount Washington Selectboard



**The Trustees
of Reservations**

*Conserving the
Massachusetts Landscape
Since 1891*

July 24, 2000

Mr. Warren E. Archey
Dept. of Environmental Management
740 South Street
P.O. Box 1433
Pittsfield, MA 01202-1433

Mr. Archey,

As Western Regional Director for The Trustees of Reservations in Massachusetts, I am writing in support of the Proposed Amendment to the Forest Legacy Needs Assessment for Massachusetts.

This amendment as proposed would designate the Taconic Range, along the western boundary of Massachusetts, as a Forest Legacy Area. The Taconic Range is significant to The Trustees of Reservations land preservation efforts for many reasons but particularly because it comprises an important scenic viewshed as seen from our reservations at Field Farm in Williamstown, Monument Mountain in Great Barrington and Bartholomew's Cobble in Sheffield.

Beyond the benefits to our organization, the designation of the Taconic Range as a Forest Legacy Area benefits all the residents of Berkshire County and those residents of Columbia and Rensselaer Counties in New York, who view the protection of the Taconic Range as an opportunity to save watersheds for public water supplies; to limit the spread of residential development into areas of steep terrain; and to protect significant wildlife habitats from fragmentation.

Clearly the unfragmented views of forests on the Taconic Range are an important element in providing recreational opportunities for hikers, hunters and cross-country skiers but an equal value can be placed on the attraction that this range will provide to tourists who will view this Legacy Area from their cars as they enjoy other cultural attractions of the region. I am convinced that the designation of the Yokun Ridge

Warren Archey
July 24, 2000
Page 2

Legacy Area in Stockbridge and Lenox had this positive affect and the Taconic Range is many-times larger.

The Trustees of Reservations has existed for over 100 years as an organization that protects special places and tracts of land for the public to use and enjoy. The designation of the Taconic Range as a Forest Legacy Area is in harmony with the mission of The Trustees and we fully support the adoption of the amendment and offer to assist the Department of Environmental Management in further protection efforts along the Taconic Range.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve McMahon", written over a horizontal line.

Steve McMahon
Regional Director

Appendix H

Notice of Meeting

B8 — The Berkshire Eagle, Wednesday, July 19, 2000

On t

Taconic Ridge subject of public meeting

EGREMONT — The Department of Environmental Management will hold a public meeting tomorrow to receive comment on the proposed designation of the Taconic Ridge as a federal Forest Legacy Area. The meeting will be held at 7 p.m. at the Town Hall.

The Forest Legacy Program authorizes the purchase of land or conservation easements on working forestland within designated areas.

The Taconic Ridge would be Berkshire County's second largest Forest Legacy Area. Yokun Ridge Forest Legacy Area, located in Lenox, Richmond, West Stockbridge and Stockbridge, was designated in 1993.

On Yokun Ridge, the Forest Service, in cooperation with DEM, the Berkshire Natural Resources Council and the Massachusetts

Audubon Society, has purchased easements on over 400 acres, assuring permanent protection for those tracts.

The proposed Taconic Ridge Forest Legacy Area runs along the mountain range straddling the New York-Massachusetts boundary from Connecticut to Vermont.

Parts of seven towns

The area would encompass parts of Mount Washington, Egremont, Alford, West Stockbridge, Richmond, Hancock and Williamstown.

The Forest Legacy Program is administered by the U.S. Forest Service in cooperation with the Department of Environmental Management's Bureau of Forestry.

Within a designated Forest Legacy Area, the Forest Service or its

designee may negotiate with willing sellers to purchase land or conservation easements on forested property.

Under the easement option, landowners would retain ownership and timber rights on the property, and would sell development rights to the government.

The program does not authorize taking of conservation restrictions by eminent domain. Participation in the program is voluntary.

Maps of the proposed Taconic Ridge Forest Legacy Area will be available for inspection at the public meeting.

Written comments may be submitted by Aug. 1 to Warren Archey, chief forester, DEM, P.O. Box 1433, 740 South St., Pittsfield, MA 01202.

Egremont considers application to state to protect forest areas as Legacy preserves

By Sam Dvorchik

EGREMONT—The town is weighing the designation of several forest areas as Federal Legacy preserves.

Conservation Commission member Ursula Cliff urged the board to write a letter in favor of the project.

According to Cliff, the program has three main components:

- protection of water
- protection of habitat
- recreation

The proposed legacy area would extend all the way down the western part of the state, including nearly all of Egremont.

Planning Board member Eileen Vining has attended meetings regarding the proposal for the last 6 months, Cliff said.

The department of Environmental Management held a public meeting in Egremont to receive comment on the pro-

posed designation of the Taconic Ridge as a Federal Legacy Area last week.

The Forest Legacy Program authorizes the purchase of land or conservation easements on working forestland within designated areas, said DEM Chief Forester Warren E. Archey.

The proposed Taconic Ridge Forest Legacy area runs along the mountain range straddling the New York-Massachusetts boundary from Connecticut to Vermont, running through parts of Mount Washington, Egremont, Alford, West Stockbridge, Richmond, Hancock and Williamstown.

The Taconic Ridge would be Berkshire County's second Forest Legacy Area.

Yokun Ridge Forest Legacy Area located in Lenox, Richmond, Stockbridge and West Stockbridge was designated in 1993. On Yokun Ridge, the Forest Service in cooperation with DEM, the Berkshire Natural Resources Council and the Massachusetts Audubon Society, has purchased easements on over

400 acres, ensuring permanent protection of those tracts, Archey said.

Within a designated Forest Legacy Area, the Forest Service or its designee may negotiate with willing sellers to purchase land or conservation easements on forested property. Under the easement option, Archey said, land owners would retain ownership and timber rights on the property and would sell development rights to the government.

The program does not authorize taking of conservation restrictions by eminent domain, Archey said, adding that participation in the program is voluntary.

Maps of the proposed Taconic Ridge Forest Legacy Area will be available for inspection at the public meeting.

Written comments may be submitted by August 1 to Warren Archey, Chief Forester, DEM, P.O. Box 1433, 740, South Street, Pittsfield, MA 01202.

Forest Legacy Amendment Public Meeting Attendees
Egremont Town Hall
July 20, 2000

Ursula Cliff (land trust, con com)
PO Box 68
S. Egremont, MA
01258

JOHN + SILVIA OGILVIE
P.O. Box 193
S. Egremont, MA 01258

JOHN MIGNO
3 SHAW Road
Housatonic 01236

Ed Desamiers Box 380 W3 01266

Eleanor Tillinghast
72 East St
Mt. Washington, MA 01258

Kathy Orlando
Sheffield Land Trust
P.O. Box 940
Sheffield, MA 01257

STEVE McMAHON
THE TRUSTEES OF RESERVATIONS
PO Box 792
STOCKBRIDGE 01262

MA Forest Legacy Needs Assessment Amendment Advisory Committee

Tad Ames, Berkshire Natural Resources Council
Judy Anderson, Columbia County Land Conservancy
Rebecca Barnes, MA DEM
Susan Campbell, MA Stewardship Office
Ursula Cliff, Egremont Land Trust
Ruth Dinerman, Appalachian Mountain Club
Eve Endicott, The Nature Conservancy
Bobbie Halig, Mount Washington
James Jensen, NY State DEC
Lee Kiernan, NY State DEC
Allison Lasso, MA DEM
Rene Laubach, Massachusetts Audubon Society
Frank Lowenstein, The Nature Conservancy
John Mason, Richmond Land Trust
Sharon McGregor, Exec. Office of Environmental Affairs
Steve McMahon, The Trustees of Reservations
Thomas O'Brien, Watershed Team Office
Kathy Orlando, Sheffield Land Trust
Leslie Reed-Evans, Williamstown Rural Lands Foundation
Deborah Reich, Sheffield Land Trust
John Scanlon, Division of Fisheries & Wildlife
Eleanor Tillinghast, Mount Washington
Eilen Vining, Trust for Appalachian Trail Lands
George Wislocki, Berkshire Natural Resources Council



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

DIVISION OF FORESTS AND PARKS - REGION V
P. O. BOX 1433, PITTSFIELD, MA 01202 413-442-8928 FAX 413-442-5860



Argeo Paul Cellucci
GOVERNOR

Jane Swift
LIEUTENANT GOVERNOR

Robert A. Durand
SECRETARY

Peter C. Webber
COMMISSIONER

September 7, 2000

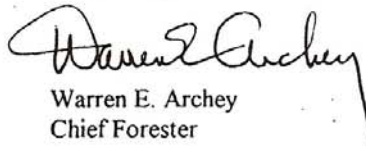
The Honorable Edward M. Kennedy
United States Senate
Washington, DC 20510

Dear Senator Kennedy:

Attached you will find a copy of "Proposed Amendment, Forest Legacy Needs Assessment, Massachusetts". This amendment will allow the Taconic Range, a crucial forest resource asset to western Massachusetts and eastern New York, to become eligible for Forest Legacy Program funding by the USDA Forest Service.

I am grateful for your past support of Farm Bill programs, including Forest Legacy, and as you are no doubt aware, Farm bill reauthorization is scheduled for 2002. Your continuing support of the Farm Bill and its other State and Private Forestry initiatives, as administered by the USDA Forest Service programs would be greatly appreciated.

Very truly yours,


Warren E. Archey
Chief Forester

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